

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 9th March 1956 :—

Issue No.	No. and date	Issued by	Subject
60	S.R.O. 564, dated the 3rd March, 1956.	Ministry of Production.	Notice given for acquisition of land mentioned in the Schedule therein for the purpose of development of State Collieries.
60A	S.R.O. 564A, dated the 3rd March, 1956.	Government of Ajmer.	Draft notification to make amendment in the rules mentioned therein.
61	S.R.O. 565, dated the 5th March, 1956.	Election Commission, India.	To elect a person to fill a vacancy in the House of the People in the seat of a member for Calcutta North-West constituency in the State of West Bengal.
	S.R.O. 566, dated the 5th March, 1956.	Ditto . . .	Appointment of dates for bye-election to be held in the Calcutta North-West Parliamentary constituency in the State of West Bengal.
62	S.R.O. 567, dated the 5th March, 1956.	Ministry of Home Affairs.	Part C States Prize Competitions Rules, 1956.
63	S.R.O. 568, dated the 5th March, 1956.	Ministry of Information and Broadcasting.	Appointments of members of the Central Board of Film Censors.
64	S.R.O. 569, dated, the 6th March, 1956.	Ministry of Commerce and Industry.	Grant of recognition to the Saurashtra Oil and Oilseeds Association, Ltd., Rajkot under section 6 of the Forward Contracts (Regulation) Act, 1952 for 3 years in respect of groundnut kernels.

Issue No.	No. and date	Issued by	Subject
	S.R.O. 570, dated the 6th March, 1956.	Ministry of Commerce and Industry	Grant of recognition to the Saurashtra Oil and Oilseeds Association, Ltd., Rajkot under section 6 of the Forward Contracts (Regulation) Act, 1952 for 3 years in respect of groundnut oil.
	S.R.O. 571, dated the 6th March, 1956.	Ditto . .	Amendment made in the notification No. S.R.O. 242, dated the 25th January, 1955.
	S.R.O. 572, dated the 6th March, 1956.	Ditto . .	The Central Government declares that section 15 of the Forward Contracts (Regulation) Act, 1952 shall apply to groundnut oil in the whole of the territories to which the said Act extends.
65	S.R.O. 609, dated the 7th March, 1956.	Ministry of Law .	Corrections for the hours of poll in the notification No. S.R.O. 562, dated 1st March, 1956.
66	S.R.O. 610, dated the 6th March, 1956.	Ministry of Labour .	The Madras Dock Workers (Regulation of Employment) Scheme, 1956.
67	S.R.O. 611, dated the 6th March, 1956.	Ditto . .	The Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.
68	S.R.O. 612, dated the 8th March, 1956.	Ministry of Finance	Appointment of date on which the Companies Act, 1956, shall come into force.
	S.R.O. 613, dated the 8th March, 1956.	Ditto . .	Appointment of date on which the Companies (Central Government) General Rules and Forms, 1956, shall come into force.
	S.R.O. 614, dated the 8th March, 1956.	Ditto . .	Appointment of date on which the Companies Regulations, 1956, shall come into force.
	S.R.O. 615, dated the 8th March, 1956.	Ditto . .	Appointment of date on which the Restricted Auditors' Certificates (Part B States) Rules, 1956, shall come into force.
69	S.R.O. 616, dated the 9th March, 1956.	Ministry of Commerce and Industry.	Appointment of persons on the Board of Directors of the Saurashtra Oil and Oilseeds Association Limited, Rajkot to represent interests specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3****Statutory Rules and Orders Issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).****MINISTRY OF HOME AFFAIRS**

*New Delhi-2, the 6th March 1956*

**S.R.O. 622.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the State of Manipur the provisions of the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act 6 of 1954), as now in force in the State of Madras, subject to the following modifications, namely:—

1. For sub-sections (2) and (3) of section 1, the following sub-sections shall be substituted, namely:—

“(2) It shall apply to such areas as the Chief Commissioner, Manipur, may, by notification in the Official Gazette, determine in this behalf, but shall not apply to leases of land granted by the Government.

(3) It shall come into force at once and shall be in force for a period of two years.”

2. To clause (a) of section 2, the following words shall be added at the end, namely:—

“or who cultivates land on payment of lousal or a share of crop to the landlord.”

3. In sub-sections (2) and (3) of section 3, for the figures ‘1953’, the figures ‘1955’ shall be substituted.

4. In section 5, for the words “State Government”, the words “Chief Commissioner, Manipur”, and for the words “Fort St George Gazette”, the words “Official Gazette”, shall be substituted.

**ANNEXURE****THE SOUTH KANARA CULTIVATING TENANTS PROTECTION ACT, 1954, AS MODIFIED**

**Act No. VI of 1954**

*An Act for protection from eviction of cultivating tenants in the district of South Kanara*

WHEREAS it is necessary, pending further legislation, to protect cultivating tenants in the district of South Kanara from unjust eviction; it is hereby enacted as follows:—

1. **Short title, extent, commencement and duration.**—(1) This Act may be called the South Kanara Cultivating Tenants Protection Act, 1954.

(2) It shall apply to such areas as the Chief Commissioner, Manipur, may, by notification in the Official Gazette, determine in this behalf, but shall not apply to leases of land granted by the Government.

(3) It shall come into force at once and shall be in force for a period of two years.

2. **Definitions.**—In this Act, unless the context otherwise requires:—

(a) “Cultivating tenant” means a person who cultivates, by his own labour or by that of any other member of his family or by hired labour under his supervision and control, any land belonging to another, under a tenancy agreement, express or implied, and includes any such person who continues in possession of the land after the determination of the tenancy agreement, or who cultivates land on payment of lousal or a share of crop to the landlord.

(b) “holding” means a parcel or parcels of land held by a cultivating tenant;

(c) “land” means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto; and “cultivation” means the use of lands for the purpose of agriculture or horticulture;

- (d) "landlord", in relation to a holding a part thereof, means, the person entitled to evict the cultivating tenant from such holding or part.

**3. Landlords not to evict cultivating tenants.**—(1) Subject to the next succeeding Sub-Sections, no cultivating tenant shall be evicted from his holding or any part thereof, during the continuance of this Act, by or at the instance of his landlord, whether in execution of a decree or order of a Court or otherwise.

(2) Subject to the next succeeding Sub-Section, sub-section (1) shall not apply to a cultivating tenant who, if in arrear at the commencement of this Act with respect of rent payable to the landlord and accrued due subsequent to the 31st March 1955, does not pay such rent within a month after the commencement of this Act or who, after the commencement of this Act, does not pay rent within a month after such rent accrues due.

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord—

(i) in the case of rent accrued due subsequent to the 31st March, 1955, within a month after the commencement of this Act;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant, time not exceeding a month for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudge that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing Sub-Section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as if this Act had not been passed.

(c) The expression "Court" in this Sub-Section means the Court which passed the decree or order for eviction or, where there is no such decree or order, the Court which would have jurisdiction to try a suit by the landlord for eviction of the cultivating tenant from the holding or part thereof to which the deposit relates.

**4. Exclusion of time for limitation.**—In computing the period of limitation or limit of time prescribed for an application for the execution of a decree or order for the eviction of a cultivating tenant, the time during which he was protected by Section 3 from eviction shall be excluded.

*Explanation.*—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

**5. Power to make rules.**—The Chief Commissioner, Manipur, may by notification in the Official Gazette, make rules to carry out the purposes of this Act

[No. 12(1)/Judl/II/56.]

S. NARAYANSWAMY, Dy Secy.

New Delhi-2, the 6th March 1956

**S.R.O.623.**—In pursuance of Order XXI, rule 48, sub-rule (1) of the rules in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Government of India is pleased to direct that notices of orders attaching the salary or allowances of persons employed in the Ministry of Home Affairs of the Government of India shall be sent to officers specified in column 2 of the Schedule hereto annexed.

## THE SCHEDULE

Class of employee	Officers to whom notice should be sent
Gazetted Officers . . . . .	Accountant General, Central Revenues, New Delhi.
Non-Gazetted Officers . . . . .	Under Secretary to the Government of India Ministry of Home Affairs.

[No. 6/14/56-AD.I.]

*New Delhi-2, the 8th March 1956*

**S.R.O. 624.**—The following Order made by the President is published for general information.

## ORDER

In pursuance of Clause 3 of Article 77 of the Constitution of India, the President is pleased to direct that the control of the Bhadravati Steel Works shall be transferred from the Ministry of Commerce and Industry to the Ministry of Iron and Steel and the subject of 'forges and foundaries' shall be transferred from the Iron and Steel Ministry to the Ministry of Commerce and Industry, to be administered by the National Industrial Development Corporation.

*The 21st February, 1956.*

(Sd.) **RAJENDRA PRASAD,**  
*President.*

[No. 3/2/56-Public-I.]

**A. V. PAI, Secy.**

New Delhi-2, the 8th March 1956

**S.R.O. 625.**—Whereas the places specified in the Schedule below are used for works for purposes of a public character;

And whereas information with respect to, or the destruction or obstruction of, or interference with, the said places would be useful to an enemy;

Now, therefore, in pursuance of sub-clause (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (XIX of 1923), the Central Government hereby declares the places specified in the said Schedule to be 'prohibited places' for the purposes of the said Act; and directs that a copy of this notification in English and in the vernacular of the localities be affixed to the said places.

# SCHEDULE

Name of place	LOCALITY				Boundary or other description	Remarks
	Village	Thana	Tahsil	District		
1	2	3	4	5	6	7

1. Power House, Shanantoginder Nagar).	Shanan areas of	including villages.	Joginder Nagar.	Joginder Nagar.	Mandi	The total area under the power house is 154-11-16 Bighas. This area includes lands from three villages viz :	This area includes Power House quarters and Punjab Armed Police Lines and Hospital.
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	Bighas
(i) Village Shanant	84 13 7
(ii) Village Pali	28 10 0
(iii) Village Ganaint	41 8 9

## Boundary.—

On North—Mandi Pathankote Road.  
 On South—Jungle Siwary.  
 On East—Village Ganaint.  
 On West—Vedic Dispensary.

2. Head Works Barot	Barot	Do.	Do.	Do.	<p>The total area is 315-11-0 Bighas. This area includes This areas includes the lands of Head Works Quar- villages Barot and Ghogi. ters and Trauli Bighas Path.</p> <p>(i) Village Barot . 212 1 8 (ii) Village Ghogi . 103 9 12</p> <p>Boundary.— On North—River Uhl. On South—Jungle Kog &amp; Thoji. On East—River Uhl. On West—Village Ghogi.</p>
3. Haulage way .	From Power House to o point about 8 miles including works in the way adjoining the way.	Do.	Do.	Do.	<p>Boundary marked for Hydro Works. This will include the whole path exclu- ding the Trauli path about 2 miles from Winch Camp to Head Geer which is the only path for the general public of <i>ilaga</i> Chuhar from Barot to Joginder Nagar.</p>

[No. 21/48,54-Poll. (I).]

RAJ KUMAR, Dy. Secy.

*New Delhi-2, the 9th March 1956*

**S.R.O. 626.**—In exercise of the powers conferred by section 27 of the Indian Arms Act (XI of 1878), the Central Government hereby exempts Shri Ernesto Brin, Consul General for the Republic of Panama at Bombay from the operation of the prohibitions and directions contained in section 6 of the said Act in respect of one .38 bore revolver.

[No. F.17/2/56-Police (IV).]

*New Delhi-2, the 13th March 1956*

**S.R.O. 627.**—In pursuance of clause (1) of article 243 of the Constitution, the President hereby directs that, until the 31st day of March, 1958, the Governor of Assam shall, in relation to the tribal areas of Assam specified in Part B of the table appended to Paragraph 20 of the Sixth Schedule to the Constitution, exercise the powers and discharge the functions of the Central Government under the provisions of the Indian Arms Act, 1878 (11 of 1878) and the Indian Arms Rules 1951, specified in column 1 of the Schedule below, subject to the special conditions specified in the corresponding entries in column 2 of the said Schedule and the general conditions specified in column 3 thereof.

#### SCHEDULE

Provision of the Act and the rules	Special Conditions	General Conditions
1	2	3
Sections 6, 7, 13, 15, 16(1), (2) and (4), 17(c), 25, 26, 30 and 32	..	(a) The Governor shall be subject to the like control of the President as was exercisable by him immediately before the coming into force of this notification ;  (b) The Governor shall observe the existing policy and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the consent of [that Government.
Section 11 . . .	The power to establish searching posts shall be exercised with the previous sanction of the Central Government.	..
Section 18 4 . . .	The powers shall be limited to the territories under the administrative control of the Governor and shall be subject to the power of the Central Government to cancel or suspend licences throughout the whole or any part of India.	..
Rules 2(1), 3(1)(b), 26(2), (3) and (4), 27, 29, 30 and 31(3).		



1	2	3
Rule 31(3)	The restriction which may be imposed by any general or special order of the Governor under this rule shall be limited to the Part B Tribal Areas of Assam.	..
Rules 32(1)(b), 32A(1)(c), 33, 34, 35, and 40(3) (a).		
Rule 44(3)	<p>The entrustment under this rule is of the following powers only, namely, by general or special order, to remit or reduce the fee payable in respect of the grant or renewal of any licence—</p> <p>(a) for the import, transport or possession of sulphur in reasonable quantities proved to the satisfaction of the Governor to be required in good faith for medical, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition ; or</p> <p>(b) under rule 10 to any person for import of any arms, ammunition or military stores in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons or property.</p>	..
Schedule I, entry 5. Schedule II, entries 1, 2, 4, 5 and 6.		
Schedule VII, entry 4. Schedule VIII—	<p>Forms IX and X— Conditions, 2, 3, 7, 8 and 11.</p> <p>Forms XI and XII— Conditions 2, 3, 7 and 8.</p> <p>Form XIII— Conditions 3 and 4.</p> <p>Form XIV— Condition 3.</p> <p>Form XV— Conditions 4 and 7.</p> <p>Form XVI— Conditions 3, 6 and 9.</p> <p>Forms XVII and XVIII— Condition 5.</p> <p>Form XVIII— Conditions 6 and 7.</p> <p>Form XIX— Conditions 7 and 9.</p>	

## ORDER

*New Delhi-2, the 13th March 1956*

**S.R.O. 628.**—In pursuance of clause (22) of Article 366 of the Constitution of India the President is hereby pleased to recognise Diwan Chhatrapati Singh, as the Ruler of Bijna with effect from the 27th November, 1955 in succession to the late Diwan Himmat Singh.

[No. F.22/19/55-Poll.III.]

V. VISWANATHAN, Joint Secy.

## CORRIGENDA

*New Delhi-2, the 13th March 1956*

**S.R.O. 629.**—In the Schedule to S.R.O. 2054, published in Part II—Section 3 of the Gazette of India, dated the 7th November, 1953, under the heading “MADRAS ELECTRICITY DEPARTMENT” and under the sub-heading “Gazetted—Non-Technical”,

- (1) delete the entries in columns 1, 2 and 3 against serial number 4; and
- (2) for the entry “Do.” in column 2 against serial number 5 relating to Sri Ch. Venkat Rao, substitute the entry “Chief Accountant”.

[No. 26/1/56-AIS(I).]

MOHINDAR SINGH, Under Secy.

## MINISTRY OF FINANCE

## RESOLUTION

*New Delhi, the 8th March 1956*

**S.R.O. 630.**—The President is pleased to direct that the following entry shall be inserted after entry (v) in paragraph 1 of the Resolution of the Government of India, late Finance Department, No. F.33(3)-PII/44, dated the 16th April, 1945, issuing the Workmen's Contributory Provident Fund Rules, namely:—

“(vi) Work-charged establishment of the Salt Department.”

2. The above amendment shall take effect from the first of the month following that in which this Resolution issues.

3. Persons transferred from Pakistan and now working in the Rajputana Salt Sources Division, Sambhar Lake, who were admitted to the benefits of the Workmen's Contributory Provident Fund, with effect from 1st March, 1952, shall continue to subscribe to that Fund as heretofore.

[No. F.34(1)EV/56.]

K. S. GANAPATI, Dy. Secy.

## (Department of Economic Affairs)

## INSURANCE

*New Delhi, the 13th March 1956*

**S.R.O. 631.**—Whereas the Central Government in exercise of the powers conferred by sub-section (2) of section 52A of the Insurance Act, 1938 (IV of 1938), appointed Shri R. Varadachari, as Administrator to manage the affairs of the Empire of India Life Assurance Company Limited with its registered office at Bombay in the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), dated the 10th July, 1951.

And whereas the Central Government has decided to cancel the appointment of the said Shri R. Varadachari, as Administrator of the said Empire of India Life

Assurance Company Limited and to appoint another person to be the Administrator thereof;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 52A of the said Act, the Central Government hereby cancels with effect from the forenoon of the 15th March, 1956, the appointment of Shri R. Varadachari as Administrator, and appoints Shri M. J. Rao, B. Com., F.C.I.I., Administrator Bharat Insurance Company Limited, New Delhi as Administrator to manage the affairs of the said insurer, under the direction and control of the Controller of Insurance and directs that the said Administrator shall receive such remuneration payable out of the funds of the Empire of India Life Assurance Company Limited as may be fixed by the Government

[No. 107(4)-INS/56.]

**S.R.O. 632.**—Whereas the Central Government in exercise of the powers conferred by sub-section (2) of section 52A of the Insurance Act, 1938 (IV of 1938), appointed Shri R. Varadachari, as Administrator to manage the affairs of the Jupiter General Insurance Company Limited with its registered office at Bombay in the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), dated the 10th July, 1951,

And whereas the Central Government has decided to cancel the appointment of the said Shri R. Varadachari, as Administrator of the said Jupiter General Insurance Company Limited and to appoint another person to be the Administrator thereof;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 52A of the said Act, the Central Government hereby cancels with effect from the forenoon of the 15th March, 1956, the appointment of Shri R. Varadachari as Administrator, and appoints Shri M. J. Rao, B.Com., F.C.I.I., Administrator Bharat Insurance Company Limited, New Delhi as Administrator to manage the affairs of the said insurer, under the direction and control of the Controller of Insurance and directs that the said Administrator shall receive such remuneration payable out of the funds of the Jupiter General Insurance Company Limited as may be fixed by the Government.

[No. 107(4)-INS/56.]

B. K. KAUL, Jt. Secy.

#### (Department of Company Law Administration)

##### COMPANY LAW

*New Delhi, the 7th March 1956*

**S.R.O. 633.**—In exercise of the powers conferred by the proviso to sub-section (5) of Section 244B of the Indian Companies Act, 1913 (VII of 1913), the Central Government hereby appoints the Registrar of Companies Mysore, State of Mysore, as the Officer for the purposes of the said sub-section.

[No. 23(77)-CL.III/55.]

**S.R.O. 634.**—In exercise of the powers conferred by sub-section (2) and the proviso to sub-section (5) of Section 244B of the Indian Companies Act, 1913 (VII of 1913), the Central Government hereby appoints each of the Registrars of Companies mentioned below as the Officer for the purposes of the said sub-sections, namely:—

1. Registrar of Companies, State of Rajasthan, Jaipur.
2. Registrar of Companies, State of Madhya Bharat, Gwalior.
3. Registrar of Companies, State of Patiala and East Punjab States Union, Patiala.
4. Registrar of Companies, State of Bhopal, Bhopal.
5. Registrar of Companies, State of Kutch, Bhuj.
6. Registrar of Companies, State of Himachal Pradesh, Simla.
7. Registrar of Companies, State of Manipur, Imphal.

8. Registrar of Companies, State of Vindhya Pradesh, Rewa.
9. Registrar of Companies, State of Tripura, Agartala.
10. Registrar of Companies, State of Andaman and Nicobar, Port Blair.

[No. 23 (77) -CL-III/55 (1).]

SHIV CHARAN SINGH, Dy. Secy.

**MINISTRY OF FINANCE (REVENUE DIVISION)****CENTRAL EXCISES***New Delhi, the 17th March 1956*

**S.R.O. 635.**—In exercise of the powers conferred by sub-rule (1) of the rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to State of Pondicherry, the Central Government hereby exempts the following varieties of paper from so much of the duty leviable thereon as is in excess of one anna per lb.—

- (a) M. G. White Poster.
- (b) M. G. Pressing Cover Paper.
- (c) M. G. Manilla.
- (d) M. G. Blue Match Paper.
- (e) M. G. Blue Candle Paper.
- (f) M. G. Tea Yellow Paper and M. G. Kora Yellow Paper.
- (g) M. G. Coloured Sulphite Paper.

[No. CER8(14)/56.]

W. SALDANHA, Dy. Secy.

**STAMPS***New Delhi, the 17th March 1956*

**S.R.O. 636.**—In exercise of the powers conferred by sub-section (2) of section I of the Indian Stamp (Amendment) Act, 1955 (43 of 1955), the Central Government hereby appoints the 1st day of April, 1956 as the date on which the said Act shall come into force.

[No 9.]

E. S. KRISHNAMOORTHY, Joint Secy.

**CENTRAL BOARD OF REVENUE****ESTATE DUTY***New Delhi, the 6th March 1956*

**S.R.O. 637.**—The following draft of an amendment which the Central Board of Revenue proposes to make to the Estate Duty Rules, 1953, \*as amended \*\*in exercise of the powers conferred by sub-section (1) of section 85 of the Estate Duty Act, 1953 (34 of 1953), is published as required by the said sub-section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the 15th April, 1956.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the said Board.

\*S.R.O. of 1954.

\*\*S.R.Os. 1706 and 2241 of 1954, S.R.O. 800 of 1955 and S.R.O. 289 of 1956.

*Draft Amendment*

In the said Rules,—

For the existing rule 13, the following shall be substituted, namely:—

13. *Effect of default in complying with the undertaking.*—(1) Where any objects are exempted from duty in pursuance of an undertaking under sub-rule (1), of Rule 11, and the Board is satisfied that at any time during the period for which the undertaking was given, it has not been observed in any material respect, then duty shall become payable on the value at that time of those objects in respect of the death on which the exemption was given.
- (2) Where liability to duty arises under sub-rule (1)—
- (a) duty shall be payable at the rate appropriate to the principal value of the estate passing on that death as if clauses (i) and (j) of sub-section (1) of section 33 never applied to those objects.
- (b) any person who, if the objects were sold when the duty becomes payable, would be entitled to receive (whether for his own benefit or not) the proceeds of sale or any income arising therefrom shall be accountable for the duty.
- (3) Where any objects are sold after they become liable to duty under sub-rule (1) in respect of any death, the proceeds of the sale shall not be liable to duty in respect of the same death under sub-rule (2) of Rule 11.

[No. 20/F.No.12/8/55-E.D.]

R. K. DAS, Secy.

*Explanatory Note*

(This note is not part of the amendment but is intended to be merely clarificatory).

Rule 13 of the Estate Duty Rules, 1953, as it stands is considered to be lengthy as it is expressed in one sentence running into 164 words. In order to simplify it, the said rule has been split up into separate sentences without making any change in the substance.

**MINISTRY OF COMMERCE AND INDUSTRY****RUBBER CONTROL**

*New Delhi, the 12th March 1956*

**S.R.O. 638.**—Shri P. N. Ramchandran, Secretary, Rubber Board, has been granted leave for 120 days with effect from the forenoon of 8th December, 1955.

On expiry of the leave, the services of Shri P. N. Ramchandran are replaced at the disposal of the Government of Orissa.

This Ministry's notification No. S.R.O. 290, dated the 3rd February, 1956 is hereby cancelled.

[No 38(2)Plant/52.]

**TEA CONTROL**

*New Delhi, the 12th March 1956*

**S.R.O. 639.**—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953), the Central Government hereby appoints Shri P. P. L. Vaidyanathan, Bar-at-Law, I.C.S., Director of Agriculture, Madras, to be a member of the Tea Board *vice* Shri M. S. Sivaraman, I.C.S., and makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 944, dated the 17th March, 1954, namely:—

In the said notification, for the entry "5. Shri M. S. Sivaraman, I.C.S., Director of Agriculture, Madras", the following entry shall be substituted, namely:—

"5. Shri P. P. I. Vaidyanathan, Bar-at-Law, I.C.S., Director of Agriculture, Madras."

[No. 48(1)Plant/55.]

P. V. RAMASWAMY, Under Secy.

## (Indian Standards Institution)

Delhi, the 8th March 1956

**S.R.O. 640**—In exercise of the powers conferred by sub-regulation (1) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of an errata slip, detailed in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

## THE SCHEDULE

Sl. No.	No and title of Indian Standard	No and date of Gazette notification in which establishment of the Indian Standard was notified	Particulars of Errata Slip issued
(1)	(2)	(3)	(4)
1.	IS 268-1951 Specification Leclanche Type Sack Cells	for S R O 658, dated the 26th March, 1955	On page 3, Fig 1 Cast Zinc Electrode for Sack Cell Size S1, top left hand drawing read $1\frac{1}{8}$ ' R for $1\frac{3}{8}$ ' R

Copies of this errata slip are available, free of cost from the Secretary (Administration), Indian Standards Institution, 19 University Road, Civil Lines, Delhi-8

D V KARMARKAR,

Deputy Director (Marks).

[No. MDC/11(4).]

**S.R.O. 641**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed, have been established during the period 16th to 29th February, 1956

## THE SCHEDULE

Sl. No.	No and title of the Indian Standard established	No and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS 5-1955 Colours for Ready Mixed Paints	IS 5-1949 Colours for Ready Mixed Paints	This standard is a revision of IS 5-1949. It is in a book form and contains colours matching cards with colour numbers for 98 colours including India Saffron, India Green and Navy Blue, the three colours of the National Flag of India (IS 1-1951). (Price Rs 5/8/-)
2	IS 628-1955 Specification for Bicycle Pedal Assembly (Tentative)		This standard covers the material and dimensional requirements for the pedal assembly with 4 in and $4\frac{1}{2}$ in pedal lengths suitable for fitting in bicycles of 22 in and 24 in sizes. (Price Rs 1/8/-).

(1)	(2)	(3)	(4)
3	IS: 629-1955 Specification for Bicycle Hub Assemblies ( <i>Tentative</i> )	..	This standard covers the material and dimensional requirements for the front and rear hub assemblies suitable for fitting in bicycles of 22 in. and 24 in. sizes. (Price Rs. 1/8/-).
4	IS: 714-1955 Specification for Cotton Reinforcing Tape for Aircraft	..	This standard prescribes the quality of yarn intended for use in the manufacture of cotton reinforcing tape for aircraft and other constructional details. (Price Rs. 1/8/-).
5	IS: 722 (Parts I and II)-1955 Specification for AC Whole-Current Electricity Meters		This standard is in two parts. Part I stipulates general requirements for AC electricity meters of all types of the induction variety which Part II deals with the specific requirements of Single phase 2-wire whole current credit type meters. (Price Rs. 2/-).
	Part I General Requirements Part II Single Phase 2-Wire Whole-Current Credit Type Meters.		
6	IS: 747-1955 Specification for Handloom Cotton Bunting Cloth, Dyed		This standard prescribes the constructional and other requirements of two varieties of handloom cotton bunting cloth, dyed. (Price Rs. 1/8/-).
7	IS: 748-1955 Specification for Handloom Cotton Dhoties, Grey		This standard prescribes the constructional and other requirements of six varieties of handloom cotton dhoties, grey. (Price Rs. 1/8/-).

Copies of these standards are available for sale with the Secretary (Administration), Indian Standards Institution, 19 University Road, Delhi-8.

D. V. KARMARKAR,  
Deputy Director (Marks).

[No. MDC II/(4)],  
B. B. BENJAMIN, Under Secy.

## MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 3rd March 1956

**S.R.O. 642**—In pursuance of the provisions of Rule 19(4) of the Indian Lac Cess Rules, 1930, framed under Section 8 of the Indian Lac Cess Act, 1930 (Act No. XXIV of 1930), the Central Government hereby publish the audited accounts of "Receipts and Expenditures" of the Indian Lac Cess Committee for the years 1950-51 and 1951-52 along with the outstanding audit objections.

4. *Account of receipts and payments*.—The accounts of Receipts and Payments of the Committee for the years 1950-51 and 1951-52 are given in Appendix A & B and they are certified correct subject to the remarks given in paragraphs 8 & 9 below :—

8. *Expenditure incurred by the High Commissioner*.—The expenditure incurred by the High Commissioner for India for measures to be adopted to develop and improve the marketing of Indian Lac is shared half and half between the Indian Lac Cess Committee and the Indian Central Tobacco Committee. On the basis of the budget estimates Rs. 33,330/- and Rs. 10,445/- were remitted to the High Commissioner during 1950-51 and 1951-52 respectively to meet the expenditure on the above scheme. In absence of audited and certified accounts from the High Commissioner Rs. 17,784/- and Rs. 6001/5/6 were provisionally shown as expenditure *vide* item 'C' of the payment side of each of the Appendix A & B. The sum of Rs. 2,451/8/- has been shown as balance

on 31-3-52 with the High Commissioner. These figures are subject to modifications on receipt of certified and audited accounts. The position is further explained below :—

	Rs.	A.	P.
<b>1950-51</b>			
Remittance to the High Commissioner . . . . .	33,330	0	0
Expenditure out of the balance with the High Commissioner . . . . .	70	0	0
Expenditure booked in India on account of leave salary and pension contributions of Dr. J. Singh, Shellac-cum-Tobacco Officer . . . . .	2,168	0	0
	(a) 35,568	0	0
50% of (a) . . . . .	17,784	0	0

	Rs.	a.	p.
<b>1951-52</b>			
Remittance to the High Commissioner . . . . .	10,445	0	0
Expenditure in India on account of leave salary and pension contribution . . . . .	757	11	0
Expenditure in connection with Milan Industries Fair . . . . .	80	0	0
	12,002	11	0(b)
50% of (b) . . . . .	6,001	5	6

Necessary steps to get the certified and audited account from the High Commissioner may be taken up and final adjustments in this regard carried out during 1952-53.

9(a). Expenditure on measures taken to improve and develop methods of cultivation and manufacture of lac.

(iii) A sum of Rs. 6,175/- was paid by cheque to the Executive Engineer, Central Public Works Division, Dhanbad for carrying out certain repair works.

Date of payment	Amount Rs.
19-6-51 . . . . .	2,000/-
11-9-51 . . . . .	2,975/-
1-1-52 . . . . .	1,200/-
	<hr/> 6,175/-

In this case, too, it was seen that no formal acknowledgement of the amounts were on record nor the detailed account of the amount advanced was rendered. It could not be ascertained whether the Central Public Work Division, carried out works of the value of the advance received by them during 1951-52 or the amount was lying unspent with them. The adjustment of the amount is, therefore, only provisional. The exact position may be ascertained and necessary adjustment carried out in the account for 1952-53.

10. *Lac Cess Committee Provident Fund.*—(a) The Revenue account and the Balance sheet of the lac Cess Provident fund for the years 1949-50, and 1950-51 and 1951-52, could not be certified as correct for the reasons stated in Sub paras (b) & (c) below :—

(b) Rule 9 of the Committee's Provident Fund Rules provided that all the necessary expenses of management and all other costs charges and expenses to which the committee shall be put to in connection with the fund for any reason whatsoever shall be borne by and be a charge on the fund and shall be deducted in the 1st place from the income derived from subscriber's subscriptions before such income is distributed.

It was, however, seen from Revenue Accounts for 1949-50, 1950-51 and 1951-52 that no provision for the above charges had been made in any of them with the result that the account do not represent the true state of affairs and the balances of the Revenue accounts for 1950-51 and 1951-52 are, therefore, not available for distribution.

The Secretary stated that ever since the establishment of the Provident Fund, the cost of the management of the Fund was being borne by the Committee due to the fact that the administration of the fund was/is managed with the normal staff of the Committee and no additional hand for the purpose had/has been recruited. The Secretary further stated that he would place the matter before the Committee to waive the cost of administration of the Fund being a charge on the Fund. The reply could not, however be considered convincing to audit. Even on additional hand was/is employed, for the administration of the Fund, the existing hands certainly had/have



to give a portion of their time for this purpose and the proportionate expenditure incurred on their pay and allowances was/is a legitimate charge on the Fund before its income is made available for distribution. The amount of expenditure incurred during 1950-51 and 1951-52 directly or indirectly on the administration of the Fund may be fixed on an *ad-hoc* basis and charged to the Revenue Account. In fixing the amount the following points may kindly be taken into consideration.

(i) Normally a clerk will not take less than 5 to 6 days per month to do all items of work relating to the Fund which in other words would mean engagement of a clerk for 2 to 3 months in a year and the annual expenditure incurred by the Committee on him may be apportioned on the basis :—

(ii) Audit fee for 1 day in a year for auditing the Provident Fund Account to be charged to the Fund.

(iii) Any lump sum amount as may be considered legitimate for supervision charges by the Head Assistant and the Secretary to be charged to the Fund.

## APPENDIX A

## INDIAN LAC CESS COMMITTEE

*Receipts and Payments Account for the year ended 31st March, 1951*

**Opening balances as on 1st April, 1950 :***Cash Balances :*

	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Secretary, I.L.C.C. . . . .	2,953	6	0						
Director, I.L.R.I. . . . .	2,554	15	7						
H.C. for India London . . . .	Nil								
				5,508	5	7			

*Bank balances :*

Secretary, I.L.C.C. . . . .	1,11,549	11	11						
Director, I.L.R.I. . . . .	27,912	4	9						
H. C. for India London . . . .	2,521	8	0						
				1,41,983	8	8			
Investment . . . . .	..			8,03,814	6	1			
Imprest with Secretary on Postage Account . . . . .							30	0	0

*Suspense :*

Secretary's Office :									
Lac Cess Collection . . . . .	59,526	7	0						
T. A. Advance . . . . .	250	0	0	59,776	7	0			
Director, I.L.R.I. :									
Temp. Advance . . . . .	230	0	0						
Suspense . . . . .	3,467	8	0	3,697	8	0	63,473	15	0
							10,14,810	3	4

*Receipts during the year*

(a) Money received under Section 3 of the Act (Lac Cess Collections) . .				7,69,519	14	0			
(b) other money received by the Committee :									
Secretary, I.L.C.C. . . . .	104	0	0						
Director, I.L.R.I. . . . .	7,432	14	4	7,536	14	4			
(c) Interest received from Investments . .	..			76,724	8	0	8,03,781	4	4
(d) Deposits by the I.C.T.C. towards expenditure during 1950-51 on account of sales Officer for Shellac-cum-Tobacco, U.K . . . . .	..			17,784	0	0			
Deduct the amount adjusted on account of I.C.T.C.'s share of expenditure . . . . .	..			17,784	0	0	Nil.		
TOTAL . . . . .	..			..			18,18,591	7	8

*Payments during the year :*

	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
(a) Administration of the Committee :									
Secretary's Office . . . .	36,142	6	6						
Crop Statistics Sec. . . . .	15,688	8	6	51,830	15	0			
(b) Measures taken to improve and develop methods of cultivation and manufacture of lac :									
Director, I.L.R.I. . . . .				3,38,929	3	7			
(c) Measures taken to improve and develop the marketing of Indian Lac :									
Shellac-Tobacco sales Officer, U.K. . . . .	35,568	0	0						
Deduct contribution made by I.C. T.C. at 50 : 50 basis. . . .	17,784	0	0	17,784	0	0(1)			
(d) Miscellaneous . . . . .				Nil			4,08,544	2	7

*Closing balance as on 31st March, 1951 :**Cash Balances :*

Secretary, I.L.C.C. . . . .	1,463	14	0			
Director, I.L.R.I. . . . .	920	15	10	2,384	13	10

*Bank balances :*

Secretary, I.L.C.C. . . . .	2,16,188	0	5			
Director, I.L.R.I. . . . .	29,554	11	9			
H. C. for India, London . . . .	2,451	8	0(1)	2,48,194	4	2

*Investments :*

11,57,810 5 7(2)

*Suspense:*

Secretary's Office . . . . .	Nil.
Director, I.L.R.I. . . . .	
Suspense. 1620-9-6	

*Adjustment :*

Non. Cont. 5 2 0  
P. Fund.

Interest on P. Fund Advance 2 2 0	1,627	13	6	1,627	13	6
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Imprest with Secretary on Postage Account . . . .

30 0 0 14,10,047 5 1

TOTAL 18,18,591 7 8

(1) Provisional in the absence of certified accounts from the High Commissioner for INDIA, London, giving the actuals of expenditure and subject to modification on receipt of the figure.

(2) *Vide* details attached.

(Sd.) G. K. GUPTA (Sd.) PRITAM SINGH  
8-4-52. Secy. I.L.C.C.  
Head Asstt.

Examined and found correct subject to the remarks made in paras 4 & 10A of the report.

(Sd.) Asstt. Acctts. Officer Bihar  
(O.A.D. Sec.)

## INDIAN LAC CESS COMMITTEE

*Receipts and payments Accounts for the year ended 31-3-51*

"Out of paras 4 and 10(a) referred to in the above certificate items (i) (ii) (iv) (v) (vi) and vii) of para 9(a), para 9(b) and para 10(c) have since been settled."

(Sd.) Senior Auditor Outside Audit Deptt.  
Non-Commercial, Bihar.

(Sd.) B. K. NARAYAN,  
Asstt. Accounts Officer,  
Outside Audit Deptt.,  
Non-Commercial, Bihar.

## APPENDIX B

## INDIAN LAC CESS COMMITTEE

*Statement of Receipts and Payments Account for the year ended 31st March, 1952*

Opening Balances as on 1st April 1951 :	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Secretary, I.L.C.C. . . . .	1,463	14	0						
Director, I.L.R.I. . . . .	920	15	10						
H. C. for India, London . . . .	Nil.			2,384	13	10			
<b>Bank Balances :</b>									
Current a/c I.L.C.C. . . . .	2,16,188	0	5						
Director, I.L.R.I. . . . .	29,554	11	9						
H. C. for India, London . . . .	2,451	8	0	2,48,194	4	2			
Investments . . . . .				11,57,810	5	7			
<b>Suspense :</b>									
Secretary's Office . . . . .				Nil.					
Director, I.L.R.I. . . . .									
Suspense . . . . .	1,620	9	6						
<b>Adjustment.</b>									
Non-Cont. Prov. Fund . . . .	5	2	0						
Int. on P. F. Adv. . . . .	2	2	0	1,627	13	6			
Imprest with Secy. on Postage Account				30	0	0	14,10,047	5	1
<b>Receipts during the year :</b>									
(a) Money received under Section 3 of the Act (Lac Cess Collections) . .				8,02,915	8	0			
(b) Other moneys received by the Committee :									
Secretary, I.L.C.C. . . . .	113	3	0						
Director, I.L.R.I. . . . .	6,082	1	3	6,195	4	3			
(c) Interest received from investment . .				34,372	2	6	8,43,482	14	9
(d) Deposit by the I.C.T.C. towards expenditure during 1951-52 on account of Sales Officer for Shellac-cum-Tobacco, U.K. . . . .				5,600	0	0			
Deduct the amount adjusted on account of I.C.T.C.'s share of expenditure . . . . .				5,600	0	0	Nil		
<b>TOTAL</b> . . . . .							22,53,530	3	10
<b>Payments during the year :</b>									
(a) Administration of the Committee :									
Secretary's Office . . . . .	54,179	3	6						
Crop Statistics Sec. . . . .	14,172	1	0	68,351	4	6			
(b) Measures taken to improve and develop methods of cultivation and manufacture of lac :									
I.L.R.I. . . . .	3,34,646	14	10						
Grant-in-aid to other institutions in India . . . . .	5,000	0	0	3,39,646	14	10			
(c) Measures taken to improve and develop the marketing of Indian lac :									
Shellac-cum-Tobacco Sales Officer, U.K. . . . .	12,002	11	0						
Deduct contribution payable by I.C.T.C. at 50 : 50 basis . . . . .	6,001	5	6	6,001	5	6(1)			
(d) Miscellaneous . . . . .				Nil			4,13,999	8	10

Closing balance on 31st March 1952 :

Cash Balances :	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
Secretary, I.L.C.C. . . . .	386	14	0						
Director, I.L.R.I. . . . .	287	13	7	674	11	7			

Bank Balances :

I.L.C.C. . . . .	4,90,655	8	5			
Director, I.L.R.I. . . . .	32,372	15	7	5,23,028	8	0
Balance with H.C. for India, London . . . . .				2,451	8	0 <sup>(1)</sup>
Investments :				13,03,340	11	7 <sup>(2)</sup>

Suspense :

Amount recoverable from I.C.T.C. . . . .	401	5	6
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Secretary's Office :	RS.	A.	P.
M. C. Advance recoverable . . . . .	7,943	12	0
Cycle advance recoverable . . . . .	220	0	0
	8,163	12	0

Less on account of recovery of 1st instalment of Security to be deposited . . . . .	12	8	0	8,151	4	0
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Director, I.L.R.I. . . . .	1,452	10	4	10,005	3	10
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Imprest with Secretary on Postage Account . . . . .				30	0	0	18,39,530	11	0
							TOTAL . . . . .	22,53,530	3 10

(<sup>1</sup>) Provisional, in the absence of certified accounts from the High Commissioner for India London, giving the actuals of expenditure and is subject to modification on receipt of the figure.

(\*) *Vide* details attached.

Examined and found Correct subject to the remarks made in paras 4 and 10(a) of the report.

(Sd.) G. K. GUPTA,  
Head Assistant.

(Sd.) PKITAM SINGH,  
Secy. I.L.C.C.

(Sd.) Assistant Acct. Officer,  
Bihar (O.A.D.Sec.)

### INDIAN LAC CESS COMMITTEE

*Receipts and Payments Accounts for the year ended 31-3-52*

"Out of paras 4 and 10(a) referred to in the above certificate, items (i), (ii), (iv), (v), (vi) and (vii) of para 9(a), para 9(b) and para 10(c), have since been settled."

(Sd.) Senior Auditor,  
Outside Audit Deptt.  
Non-Commercial, Bihar,

(Sd.) B. K. NARAYAN,  
Asstt. Accounts Officer,  
Outside Audit Department,  
Non-Commercial, Bihar.

*Details of investment as on 31st March, 1951*

Particulars	Face value	Cost	Market value as on 31-3-51	
			Rate*	Amount
	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.
4% Loan 1960-70 . .	1,00,000/-	1,03,275 11 1	108 2 0	1,08,125 0 0
3% C.P.T. Deb. 1937 . .	3,200/-	3,156 0 0	100 8 0	3,216 0 0
3% C.I.T. Deb. 1937 . .	1,00,000/-	96,000 0 0	95 8 0	95,500 0 0
3% Loan 1963-65 . .	95,000/-	93,215 1 0	97 1 0	92,209 6 0
3% Loan 1970-75 . .	7,60,000/-	7,62,163 9 6	94 10 0	7,19,150 0 0
10 Years Treasury Savings Deposit Certificates . .	1,00,000/-	1,00,000 0 0	at cost.	1,00,000 0 0
<b>TOTAL . .</b>	<b>11,58,200/-</b>	<b>11,57,810 5 7</b>		<b>11,18,200 6 0</b>

\*Vide Imperial Bank's letter No. 11/5861, dated the 2nd May 1951 (Sl. 8 of file No. 1-5/51)

*Details of investment as on 31st March, 1952*

Particulars	Face value	Cost	Market value as on 31-3-52	
			Rate Per cent*	Amount
	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.
4% Loan 1960-70 . .	1,00,000/-	1,03,275 11 1	101 9 0	1,01,562 8 0
3% C.I.T. Deb. 1937 . .	1,00,000/-	96,000 0 0	91 0 0	91,000 0 0
3% Loan 1963-65 . .	95,000/-	93,215 1 0	92 6 0	87,756 4 0
3% Loan 1970-75 . .	7,60,000/-	7,62,163 9 6	87 0 0	6,61,200 0 0
10 Years Treasury Savings Deposit Certificates . .	100,000/-	1,00,000 0 0	at cost.	1,00,000 0 0
3% Loan 1959-61 . .	1,50,000/-	1,48,686 6 0	95 7 0	1,43,156 4 0
<b>TOTAL . .</b>	<b>13,05,000/-</b>	<b>13,03,340 11 7</b>		<b>11,84,675 0 0</b>

\*Vide Imperial Bank's letter No. 12/2255, dated the 9th April 1952, (Sl. 8 of file No. X-1/52).

[No. F.3-89/53-Com.I.]

**S.R.O. 643.**—In pursuance of the provisions of Rule 19(4) of the Indian Lac Cess Rules, 1930, framed under Section 8 of the Indian Lac Cess Act, 1930 (Act No. XXIV of 1930), the Central Government hereby publish the audited accounts of Receipts and Expenditures of the Indian Lac Cess Committee for the year 1952-53, along with the outstanding audit objections.

4. *Account of Receipts and Payments.*—The account of Receipts and payments of the Committee for the year 1952-53, has been given in Appendix 'A' to this report and it is certified as correct subject to the remarks in paras. 8, 13, 15 and 16.

8 *Expenditure incurred by the High Commissioner*—(1) Certain expenditure is incurred by the High Commissioner for India, London, for measures adopted to dwell and improve the . . . . . for this purpose required amounts are remitted to th . . . . . basis of Budget Estimates from year to year ar . . . . . on receipt of certified and audited accounts from the High Commissioner A sum of £619-5s-8d (Rs 8,300-6-0) has been shown as closing balance as on 31st March, 1953. The figure is subject to modification on receipt of certified and audited accounts upto 1952-53

(11) A certified copy of the accounts upto 1951-52, furnished by the High Commissioner has been received recently in which a sum of £714-4s-6d (Rs 9,572-14-2), has been shown as amount due by the Lac Cess Committee as on 1st April, 1949. The balance due by the Committee as on 1st April, 1948 was shown to be £30-17s 7d. As no account for the period 1948-49 was received from the High Commissioner it could not be ascertained how the dues could amount to £714-4s-6d as on 1st April, 1949. A reference in this connection has been made by the Secretary Lac Cess Committee in his letter No I-5/53, dated 27th July, 1953. The result of the reference made may please be shown at the next audit

10 *Lac Cess Committee Provident Fund*.—(a) The Revenue Account and Balance Sheet of the Committee's Provident Fund for 1952-53 could not be certified as correct as the question of (1) charging expenses to which the Committee shall be put in connection with Provident Fund has been finally decided. This point was referred to in para 10 of the Audit Report for the years 1950-51 and 1951-52

16 *Payments of Central P W D for works expenditure*—A sum of Rs 95,770/- has been paid to the Executive Engineer Central P W D, Hiji, Kharagpur, as detailed below, for carrying out certain construction and repair works on behalf of the Indian Lac Cess Committee:

- (1) S/A Vr 132, dated 29-7-52 Rs 9,400/- . For repairs to buildings at Namkum
- (2) C/A/Vr. 5, dated 25-8-52 Rs. 81,920 - . For new constructions at Namkum
- (3) S/A/ Vr. 95, dated 11-12-52 Rs. 4,450/- . For repairs to Store building damaged by fire

No information regarding the amount of actual expenditure was reported to have been received by the Secretary till 31-3-53 from the Executive Engineer Central P. W. D Kharagpur. The exact position may please be ascertained and if the works have since been completed necessary adjustments of any short or excess payments may be carried out in the accounts early

#### INDIA LAC CESS COMMITTEE

*Statement of Receipts and Payments Account for the year ended 31st March, 1953*

#### APPENDIX A

(Referred to in para 4 of the report)

#### Receipts

##### 1. Opening Balance as on 1st April 1952 :

Cash Balance :	Rs	A	P.	Rs.	A.	P.
Secretary, I.L.C.C. . . . .	386	14	0	674	11	7
Director, I.L.R.I. . . . .	287	13	7			
<b>Bank Balance :</b>						
Secretary, I.L.C.C. . . . .	4,90,	655	8 5			
Director, I.L.R.I. . . . .	32,	372	15 7	5,23,	028	8 0
<b>Balance with H C for India</b>						
London . . . . .	2,451	8	0			
Investments . . . . .	13,03,	340	11 7			
<b>Suspense :</b>						
Amount recoverable from ICTC . . . . .	401	5	6			

*Secretary's Office —*

Motor Car advance recoverable . . . . .	7,943 12 0		
Cycle advance recoverable . . . . .	220 0 0		
	<hr/>		
	8,163 12 0		
	<hr/>		
Less on a/c of 1st instalment of security to be deposited . . . . .	12 8 0	8,151 4 0	
	<hr/>		
Director, I. L. R. I. . . . .	1,452 10 4	10,005 3 10	
Imprest with Postage A/C of Secretary, I. L. C. C. . . . .		30 0 0	18,39,530 11 0
		<hr/>	

2. *Receipts during the year*

(a) Money received under Section 3 of the Act (Lac Cess Collection) . . . . . 7,40,832 6 0

(b) Other moneys received by the Committee:—

Secretary, I. L. C. C. . . . .	134 13 0		
Director, I. L. R. I. . . . .	5,535 6 3		
Spl. Officer Lac Cultivation . . . . .	439 8 0	6,109 11 3	
	<hr/>		

(c) Interest recd. from investment . . . . . 42,224 3 3 7,89,166 4 6

3. *High Commissioner's Account:*

Receipts from I. L. C. C. during 1949-52

Inclusive of Miscellaneous Receipts (£6013 4sh. 5d) . . . . . 80,595 15 6

Deduct expenditure during 1949-52

(inclusive of debit balance for 1948-49)(£5,393 18sh. 9d) . . . . . 72,295 14 6

---

8,300 1 0

Add Gain by Exchange . . . . . 0 5 0

Balance in Hand with High Commissioner . . . . . 8,300 6 0

Deduct the amount shown as opening balance . . . . . 2,451 8 0 5,848 14 0

---

GRAND TOTAL 

---

26,34,545 13 6

*Payments*

(a) Administration of the Committee (inclusive of cost on account of 'Medical Aid' relating to Major Heads 2 and 2A also):

1. { Secretaries' Office . . . . . 63,433 13 3  
Crop Statistics Section . . . . . 15,137 13 0 78,571 10 3

(b) Measures taken to improve and develop methods of cultivation and manufacture of lac:

2. Indian Lac Research Institute . . . . . 3,57,680 4 10  
2A. Special Officer for Lac Cultivation . . . . . 91,677 5 6 4,49,358 10 4

(c) Measures taken to improve and develop the marketing of Indian Lac:

4. Shellac-Gum-Tobacco Sales Officer . . . . . —  
7. Miscellaneous . . . . . 20,000 0 0 20,000 0 0 5,47,930 4 7

Closing Balance as on 31st March, 1953:

Secretary, I.L.C.C.

Cash Balance	.	.	.	.	1,025	3	11				
Bank Balance	.	.	.	.	3,12,728	13	8	3,13,745	1	7	

Balance with High Commissioner for India, London (£619-58h.-8d)

8,300 6 0

Investments 17,49,962 3 7\*

Suspense —

Amount recoverable from I.C.T.C. Secretary, I.L.C.C. 11,890 6 3 1 5 6

Deduct amount refundable to M/s. K. C. Thapar & Co. 50 0 0 11,840 6 3†

Director, I.L.R.I. 225 0 0†  
S.O.L.C. 2,502 2 0† 14,568 13 9

Imprest with Secretary, I.L.C.C. on Postage Account 30 0 0 20,86,615 8 21

GRAND TOTAL 26,34,545 13 6

\*Vide details attached.

†Details of Suspense A/C attached.

Sd.) G. K. GUPTA, 27-8-53 Head Assistant.	(Sd.) PRITAM SINGH, 27-8-53 Secretary, Indian Lac Cess Committee.	Examined and found correct subject to the remarks in paras 4 and 10(a) of the report. (Sd.) Asstt. Accounts Officer, Bihar.
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### INDIAN LAC CESS COMMITTEE

Receipts and Payments Accounts for the year ended 31-3-53

"Paras 13, 15 and 10(a) (ii) referred to in paras 4 and 10 (a) of the above certificate have since been settled."

(Sd.) Senior Auditor  
Outside Audit Deptt.  
Non-Commercial, Bihar.

(Sd.) B. K. NARAYAN,  
Asstt. Accounts Officer  
Outside Audit Department  
Non-Commercial, Bihar.

Details of Investment of the Committee as on 31st, March, 1953

Particulars of investment	Face value	Cost	Rate as on 31st March, 1953	Market value as on 31st March, 1953
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. 4% Loan 1960-70	1,00,000 0 0	1,03,275 11 1	102 2 0	1,02,125 0 0
2. 3% C.I.T. Debenture 1937	1,00,000 0 0	96,000 0 0	90 0 0	90,000 0 0
3. 3% Loan 1963-65	1,68,400 0 0	1,64,631 5 0	92 10 0	1,55,980 8 0
4. 3% 1st Development Loan 1970-75	7,84,000 0 0	7,86,517 15 6	86 11 0	6,79,630 0 0
5. 3% 2nd Victory Loan 1959-61	1,63,000 0 0	1,61,735 2 0	96 4 0	1,56,887 8 0
6. 3% U. P. Loan 1961-66	10,000 0 0	9,731 4 0	90 4 0	9,025 0 0
7. 3% Loan 1953-55	40,500 0 0	41,290 15 0	101 1 0	40,930 5 0
8. 3% Victory Loan 1957	15,700 0 0	15,765 7 0	98 12 0	15,503 12 0
9. 3% Loan 1958	1,73,400 0 0	1,71,014 8 0	98 8 0	1,70,799 0 0
10. 3½% 10 year Treasury Savings Deposit Certificates	1,00,000 0 0	1,00,000 0 0	@ Cost	1,00,000 0 0
11. P.O. 12 Year National Savings Certificates	1,00,000 0 0	1,00,000 0 0	@ cost	1,00,000 0 0
	17,55,000 0 0	17,49,962 3 7		16,20,881 1 0



## INDIAN LAC CESS COMMITTEE ACCOUNT 1952-53

STATEMENT SHOWING THE DETAILS OF 'SUSPENSE' AS PER CLOSING BALANCE  
ON THE 31ST MARCH, 1953*Major Head 1—Administration of the Committee*

## 1. Motor Car advance to:—

	RS.	A.	P.	RS.	A.	P.
(i) Shri Pritam Singh, Secretary, Indian Lac Cess Committee . . . . .	2,375	0	0			
(ii) Shri M.M. Srinivasan, Special Officer, Lac Cultivation . . . . .	4,868	12	0			

## 2. Cycle advance to:—

(i) Moso Uraon . . . . .	50	0	0
(ii) Kirpal Ram . . . . .	50	0	0
(iii) Khudu Uraon . . . . .	30	0	0

## 3. Deposit with Messrs J. Sen Gupta, Ltd., Clearing Agents, Calcutta . . . . .

2,456 6 3

## 4. Advance payment to Controller of Printing and Stationery, India, Calcutta . . . . .

2,060 4 0

11,890 6 3

*Deduct*—Deposit by M/S. K. C. Thapar and Brothers (Coal Sales) Ltd., refundable . . . . .

50 0 0

11,840 6 3

*Major Head 2—I.J.R.I.*

5. D.F.O. Chaibassa (relating to 1951-52) . . . . . 225 0 0

*Major Head 2A—S.O.L.C.*

## 6. Divisional Forest Officer, Nowgong, Assam, on account of Brood Lac . . . . .

972 2 0

## 7. Advance to Md. Kazem Sheik, Lac Supervisor, Nimita . . . . .

30 0 0

## 8. Advance to Chief Conservator of Forests, Madhya Pradesh for Brood Lac . . . . .

1,500 0 0

2,502 2 0

TOTAL . . . . .

14,567 8 3

## 9. Amount recoverable from I.C.T.C. . . . .

1 5 6

14,568 13 9

[No. F.—389/53-Com.I.]

T. S. KRISHNAMURTHI, DY. SECY.

New Delhi, the 12th March 1956

**S.R.O. 644.**—In pursuance of the provisions of Sub-section (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Uttar Pradesh have re-nominated Shri Bishan Man Singh, Civil Lines, Fatehpur, U.P., as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956 for a term of three years.

[No. F.6-3/56-Com.I.]

**S.R.O. 645.**—In pursuance of the provisions of Sub-section (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Madras have nominated Shri V. R. Venkatarama Ayyar, M.A., Padupet, Panruti, South Arcot District, as a member of the Indian Central Oilseeds Committee, with

effect from the 1st April, 1956 for a term of three years *vice* Shri C. K. N. S. Nagarjan.

[No. F.6-4/56-Com.I.]

*New Delhi, the 13th March 1956*

**S.R.O. 646.**—In pursuance of the provisions of Sub-section (r) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the Central Government hereby re-nominate/nominate the following persons to be the members of the Indian Central Oilseeds Committee with effect from the 1st April, 1956 for a term of three years:—

1. Shri Devji Rattansey (Re-nominated)—Vice-President, the Grain & Oilseeds Merchants' Association, 72-80, Masjid Bunder Road, Bombay-3.
2. Shri Ramdas Kilachand (Re-nominated)—President, the Bombay Oilseeds Exchange Ltd., Jenabi Building, Masjid Bunder Road, Bombay-3.
3. Shri K. L. Narasimha Rao (Re-nominated)—President, the Andhra Oilseed Dealer's Chamber, Bezwada-2.
4. Shri E. R. Mahajani, B.Sc. (Nominated)—Managing Director, Laxhmi Oil Mills Ltd., Akola (M.P.).

[No. F.6-1/56-Com.I.]

**S.R.O. 647.**—In pursuance of the provisions of Sub-section (c) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Uttar Pradesh have re-nominated the "Economic Botanist (Oilseeds) to Government of Uttar Pradesh, Kanpur", as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1956 for a term of three years.

[No. F.6-4/56-Com.I.]

MOKAND LALL, Under Secy.

#### (Agriculture)

#### DRAFT NOTIFICATION

*New Delhi, the 8th March 1956*

**S.R.O. 648.**—The following draft of Wool Grading and Marketing Rules which it is proposed to issue in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and in supersession of the Wool Grading and Marking Rules, 1953, is hereby published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th March, 1956. Objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government:—

1. **Short title.**—(a) These rules may be called the Wool Grading and Marking Rules, 1956.

(b) They shall apply to wool obtained from sheep in any part of India except the State of Jammu and Kashmir and of specified trade descriptions as set out in the Schedules I to V hereto annexed.

2. **Grade Designations.**—The grade designations to indicate the characteristics and quality of clipped, ginned, pulled, limed and mixed wool are respectively set out in Schedules I to V.

3. **Definition of quality.**—The definition of quality indicated by the grade designations is specified in columns 2 to 4 of the Schedules I to V.

4. **Grade designation mark.**—The grade designation mark to be applied to each bale or package shall consist of a label bearing the design set out in Schedule VI.

5. **Method of marking.**—The grade designation mark shall only be applied on full or half pressed bales, as the case may be, in a manner approved by the

Agricultural Marketing Adviser to the Government of India. The following particulars shall be clearly indicated on the label:—

- (i) Serial number;
- (ii) Grade;
- (iii) Colour,
- (iv) Yield percentage;
- (v) Name of place of packing;
- (vi) Date of packing and marking.

Provided that packer authorised to grade under the provisions of Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937) may stamp or write his private trade mark on the bale or package, if such private trade mark represents the same colour, quality and grade of wool as that indicated by the Agmark label and is duly certified by the Agricultural Marketing Adviser to that effect.

6 **Method of Packing.**—The wool shall be press-packed with covering of new gunny cloth in bales with sufficient number of bands tightly placed around the bale of customary weights of 200 to 450 lbs. (90.7 to 204.1 kg.).

7. In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule VI to these rules shall be the conditions of any certificate of authorisation issued for the purposes of these rules.

#### SCHEDULE I

##### *Grade Designation and definition of quality of Indian Clipped Wool*

Grade designation	Colour of fibre	Special characteristics	General characteristics
		Yield per cent of wool	
1	2	3	4
G. W.	White	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div>           (a) Over 75%            (b) Over 80%            (c) Over 85%            (d) Over 90%         </div> </div>	All grades shall be free from ginned wool, pulled wool, lined wool, wool waste, processed wool waste or any other animal fibre and also from burrs, thorns, sticks and other extraneous matters except few unavoidable.
G. T. W.	Tinged White.		
G. P. Y.	Pale Yellow	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div>           (a) Over 72½%            (b) Over 75%            (c) Over 80%            (d) Over 85%            (e) Over 90%         </div> </div>	No wool having yield less than what has been prescribed under column 3 will be allowed to be exported.
G. Y.	Yellow		
G. C.	Coloured Wool.	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div>           (a) Over 65%            (b) Over 70%            (c) Over 75%            (d) Over 80%         </div> </div>	Do.
			Do.

Clipped Wool shall be marked as "Clipped Wool" on Agmark labels & bales.

## SCHEDULE II

*Grade designation and definition of quality of Indian Ginned Wool*

Grade Designation	Colour of fibre	Yield % of ginned wool	General characteristics
1	2	3	4
G. W.	White	(a) Over 75% (b) Over 80% (c) Over 85% (d) Over 90%	All grades shall be free from pulled wool, lined wool, wool waste, processed wool waste or any other animal fibre and also from burrs, thorns, sticks and other extraneous matters except a few unavoidable.
G. T. W.	Tinged White.		No wool having yield less than what has been prescribed under column 3 will be allowed to be exported.
G. P. Y.	Pale Yellow	(a) Over 72½% (b) Over 75% (c) Over 80% (d) Over 85% (e) Over 80%	Do.
G. Y.	Yellow		
G. C.	Coloured Wool.	(a) Over 65% (b) Over 70% (c) Over 75% (d) Over 90%	Do.

N. B.—Ginned Wool shall be marked as "Ginned Wool" on Agmark labels and bales.

## SCHEDULE III

*Grade Designation and definition of quality of Indian Pulled Wool*

Grade designation	Colour of fibre	Special characteristics Yield percent of wool	General characteristics.
1	2	3	4
PLD. W	White	(a) Over 75% (b) Over 80% (c) Over 85% (d) Over 90%	All grades shall be free from ginned wool, lined wool, wool waste, processed wool waste or any other animal fibres and also from burrs, thorns, sticks and other extraneous matters except a few unavoidable.
PLD. T. W.	Tinged White.		No wool having yield less than what has been prescribed under column 3 will be allowed to be exported.
PLD. P. Y.	Pale Yellow.	(a) Over 72½% (b) Over 75% (c) Over 80% (d) Over 85% (e) Over 90%	Do.
PLD. Y	Yellow.		
PLD. C.	Coloured wool.	(a) Over 65% (b) Over 70% (c) Over 75% (d) Over 80%	Do.

N. B.—Pulled wool shall be marked as "Pulled Wool" on Agmark labels and bales.

## SCHEDULE IV

*Grade Designation and definition of quality of Indian Lined Wool (Tannery wool)*

Grade designation	Colour of fibre	Special characteristics		General characteristics.
		Yield per cent of wool		
1	2	3		4
LIM W	White	(a) Over 75% (b) Over 80% (c) Over 85% (d) Over 90%		All grades shall be free from ginned wool, pulled wool, wool waste, processed wool waste or any other animal fibre and also from burrs, thorns, sticks and other extraneous matters except a few unavoidable.
LIM TW	Tinged White.			
LIM PY	Pale Yellow			
LIM Y	Yellow			
		(a) Over 72½%	(b) Over 75%	Do.
		(c) Over 80%	(d) Over 85%	
		(e) Over 90%		
LIM C	Coloured wool.	(a) Over 65%	(b) Over 70%	Do.
		(c) Over 75%	(d) Over 80%	

N. B.—Lined wool shall be marked as "Lined Wool" on Agmark labels and bales.

## SCHEDULE V

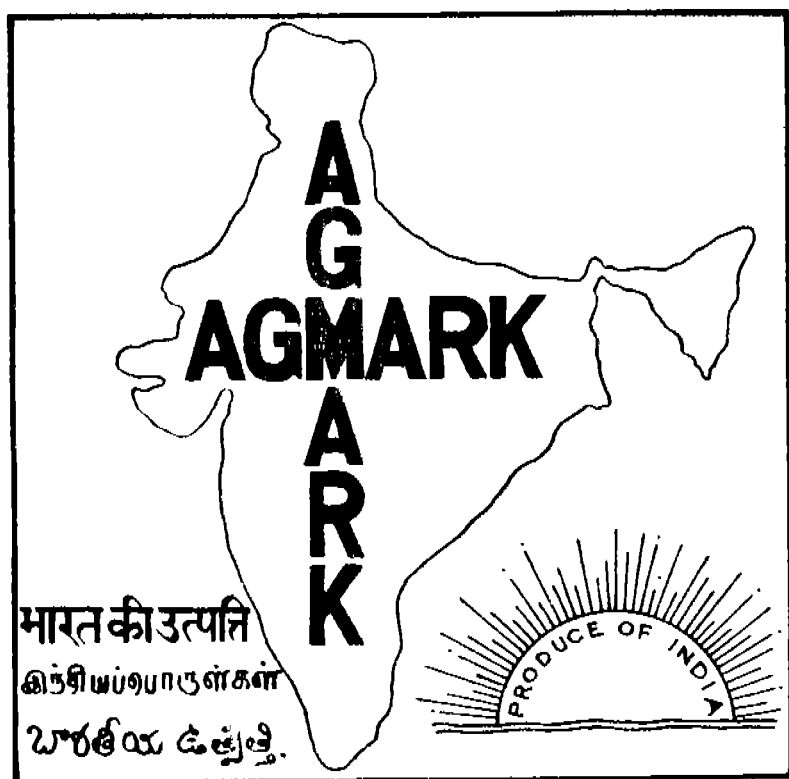
*Grade designation and definition of quality of Indian Mixed Wool*

Grade designation	Colour of fibre	Special characteristics		General characteristics		
		Yield per cent of wool				
1	2	3		4		
X-W	White	} (a) Over 75% (b) Over 80% (c) Over 85% (d) Over 90%		All grades shall be free from wool waste, Processed wool waste and also from burrs, thorns, sticks and other extraneous matter except a few unavoidable.		
X-TW	Tinged white.	}			No wool having yield less than what has been prescribed under column 3 will be allowed to be exported.	
X-PY	Pale Yellow	} (a) Over 72½% (b) Over 75% (c) Over 80% (d) Over 85% (e) Over 90%		Do.		
X-Y						Do.
X-C	Coloured wool.	(a) Over 65% (b) Over 70% (c) Over 75% (d) Over 80%				

N. B.—The mixed wool may contain wool of any type i.e., clipped, ginned, pulled or lined, in any proportion and shall be marked as "Mixed Wool" on Agmark labels and bales.

**SCHEDULE VI**  
(See Rule 4)

The grade designation mark to be applied to bales of wool shall contain the following design:—



No. F 17-58/55-AM t

SWAMI DAYAL OBEROI, Under Secy

**MINISTRY OF HEALTH**

New Delhi, the 8th March 1956

**S.R.O. 649.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1933. (XXVII of 1933), the Central Government hereby nominates Dr. U. C. Bardoloi, M.B., D.R.C.O.G (Lond.), D.G.O.L.M. (Dublin), Director of Health Services, Assam, to be a member of the Medical Council of India vice Dr. J K. Saikia, M.B., resigned

[No. F.5-40/56-M.I.]

K BIHARI, Under Secy

**MINISTRY OF TRANSPORT**

(Transport Wing)

New Delhi, the 7th March 1956

**S.R.O. 650.**—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby makes the following amendment in the Port of Kandla (Petroleum) Rules, 1955, the

same having been previously published as required by sub-section (2) of the said section, namely:—

In rule 14 of the said Rules, for the words "Chief Customs Officer", the words "Customs Collector" shall be substituted.

[No. 3-PII(91)/54.]

A. V. SUBRAMANIA IYER, Under Secy.

**(Transport Wing)**

**MERCHANT SHIPPING**

*New Delhi, the 12th March 1956*

**S.R.O. 651.**—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Transport, No. 15-MS(4)/54, dated the 1st March, 1955, published in the Gazette of India Extraordinary, Part I, Section 1, dated the 1st March, 1955, namely:—

In the said notification, for entry No 7, the following entry shall be substituted, namely:—

"7. Shri G. D. Longhurst."

[No. 15-MS(4)/54.]

S. K. GHOSH, Dy. Secy.

**MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH**

*New Delhi, the 8th March 1956*

**S.R.O. 652.**—In exercise of the powers conferred by section 8 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that, subject to its control, the powers exercisable by a State Government under the Mineral Concession Rules, 1949, shall be exercised, in the State of Bhopal, by the Chief Commissioner of that State.

[No. MII-152(20)/56.]

R. N. VASUDEVA, Dy. Secy.

**MINISTRY OF PRODUCTION**

*New Delhi, the 1st March 1956*

**S.R.O. 653.**—In exercise of the powers conferred by the proviso to the article 309 of the Constitution, the President hereby makes the following rules for conducting Departmental Examination of the Superintendents of Salt, Deputy Superintendents and Inspectors:—

**PART I—GENERAL**

1. These rules may be called the Salt Organisation Departmental Examination Rules.

2. For the purpose of these rules—

- (a) 'Examination' means the relevant Departmental examination to be held under these rules by the Salt Organisation.
- (b) 'Salt Organisation' means the Salt Organisation of the Government of India.
- (c) 'Appointing authority' means the Salt Commissioner in case of Deputy Superintendents and Inspectors and Joint Secretary, Ministry of Production, in case of Superintendents of Salt.
- (d) 'Direct recruit' means an officer appointed on the recommendation of the Union Public Service Commission or an officer selected for appointment from outside the Salt Organisation.

## PART II—DEPARTMENT EXAMINATION

2. (i) There will be a common examination for direct recruits to the cadres of the Superintendent of Salt and Deputy Superintendent in the subjects detailed in Appendix I. The qualifying marks for the Superintendents of Salt will be 50 per cent. and those for Deputy Superintendents 40 per cent.

(ii) There will be a separate examination for Inspectors in the subjects detailed in Appendix II. The qualifying marks will be 50 per cent.

3. (i) Every direct recruit appointed against a permanent post in the Salt Organisation and all temporary and officiating officers appointed by promotion, who are likely to continue for a period of three years or more will be required to sit in the appropriate examination unless specially exempted.

(ii) All officers officiating in a particular grade will be required to sit in the examination for that grade if they are likely to continue in that grade for a period of six months and more.

4. (i) Every Officer appointed on probation will be required to pass the examination within the probationary period.

(ii) Direct recruits other than those appointed on probation will be required to pass the examination within two years from the date of their appointment.

(iii) Officers appointed by promotion from within the Salt Organisation will be required to pass the examination within two years from the date of their promotion unless the appointing authority extends this period for good and sufficient reasons.

5. (i) Every officer will be allowed two chances within which he has to pass the examination. In exceptional cases, a third chance may be allowed at the discretion of the appointing authority.

(ii) The submission of an application to appear at a particular examination will count as an attempt whether the candidate actually sits for the examination or not unless he is specially allowed by the Salt Commissioner to withdraw his name at least one month before the date of the commencement of the examination.

6. (i) No officer will be confirmed or appointed in a quasi-permanent or substantive temporary capacity, unless he has passed the examination or has been exempted under Rule 8(ii).

(ii) Officers appointed on probation will not be allowed to cross the probationary stage until they pass the examination.

7. (i) Failure to pass the examination within the prescribed probationary or within any extended period of probation will ordinarily entail summary discharge from the service of the probationers.

(ii) Failure to pass the examination within the prescribed time by officers appointed on promotion will entail reversion.

(iii) If direct recruits fail to pass the examination within the prescribed time, they will not be allowed to draw further increments. In such cases, next increment will be allowed with effect from the date on which the officer concerned actually passes the examination and not from the date on which it fell due. The date of passing the examination will be the last day of the examination in which the officer passes.

8. (i) An officer who passes the examination in one or more papers but fails in some other papers may at the next permissible chance appear only in those papers in which he has failed.

(ii) The appointing authority may for any special reasons exempt an officer from passing either the whole or a part of the examination.

9. (i) The examination will be held by the Salt Commissioner each year in the month of October.

(ii) All papers will be set and valued by officers nominated by the Salt Commissioner for the purpose.

(iii) All officers who wish to appear in the examination should send their applications through the proper channel in the form to be prescribed by the Salt Commissioner so as to reach the Salt Commissioner by the 15th July of each year at the latest.

(iv) The roll numbers, dates and centres of the examination shall be intimated to the candidates by the Salt Commissioner by the end of the month of August each year, along with instructions for candidates.



## APPENDIX I

*Syllabus for Departmental Examination for Superintendents of Salt and Deputy Superintendent*

## (a) Paper I—Technical—Maximum Marks 100.

Time allowed 3 hours.

Theory of manufacture of common salt and its bye-products.

The following books are recommended for study:—

- (1) The Salt Industry in India by Shri S. C. Aggarwal.
- (2) The Sambhar Lake Salt Source by Shri S. C. Aggarwal.
- (3) Ratten's Hand Book on Common Salt.
- (4) Report of the salt Experts Committee, 1950.

## (b) Paper II—Maximum Marks 100.

Time allowed 3 hours.

*Basic Acts and Rules.*—Acts and Departmental Rules and circulars on production distribution and price of salt.

The following books are recommended for study:—

- (1) Central Excises and Salt Act, 1944, and rules made thereunder relating to Salt.
- (2) Salt Cess Act, 1953, and rules made thereunder.
- (3) All Bombay, Madras and N.I.S.R. Manuals.
- (Questions relating to Manuals will be set in such a manner that Deputy Superintendents may have ample choice to answer the prescribed number of questions from the Manuals of their respective Regions).
- (4) Circulars and orders issued by the Salt Commissioner.

## (c) Paper III—Labour Welfare and Mines—Legislation etc.

Maximum Marks 100.

Time allowed 3 hours.

The following books are recommended for study:—

- (1) Factories Act.
  - (2) Workmen's Compensation Act.
  - (3) Minimum Wages Act.
  - (4) Payment of Wages Act.
  - (5) Maternity Benefit Rules
  - (6) Indian Mines Act
  - (7) Explosives Act
- } For Superintendents of Salt having mining qualifications only.

## (d) Paper IV—Administration and Accounts—Maximum Marks 100.

Time allowed 3 hours.

- (1) Fundamental and Supplementary Rules (P. & T.'s Compilation).
- (2) The Civil Services (Classification, Control and Appeal) Rules.
- (3) Government Servants' Conduct Rules.
- (4) Central Treasury Rules. Vols. I and II.
- (5) General Financial Rules (Vols. I and II).
- (6) C.P.W.D. and C.P.W. Accounts Codes.
- (7) Renewals and Reserve Fund Rules.
- (8) Civil Service Regulations, Parts IV and X  
(Pension portion only).

} For Superintendents of Salt only.

- (9) General Provident Fund Rules.

## (e) Paper V—Maximum Marks 100.

Time allowed 3 hours.

Plans and estimates for construction of simple buildings.

## (f) Paper VI—Maximum Marks 50

Time allowed 2 hours.

One of the languages of the Region other than mother tongue of the officer.

## APPENDIX II

*Syllabus for Inspectors*

## (a) Paper I—Maximum Marks 100.

Time allowed 3 hours.

*Salt Acts and Rules.*—Acts and Departmental Rules and Circulars on production and distribution of Salt.

The following books are recommended for study:—

- (1) Central Excises and Salt Act, 1944, and the Rules made thereunder relating to Salt.
- (2) Salt Cess Act, 1953 and Rules made thereunder.
- (3) All Manuals of the Region in which recruited.
- (4) Salt Commissioner's and Regional Officers' Circulars and Orders.
- (5) Factories Act.
- (6) Indian Mines Act (for Mandi Circle only).

## (b) Paper II—Maximum Marks 100.

Time allowed 3 hours.

- (1) Fundamental and Supplementary Rules (P. & T.'s Compilation).
- (2) The Civil Services (Classification, Control and Appeal) Rules.
- (3) Government Servants' Conduct Rules.
- (4) Central Treasury Rules, Vols. I and II.
- (5) General Financial Rules (Vols. I and II)

## (c) Paper III—Maximum Marks 50.

Time allowed 2 hours.

One of the languages of the Region other than the mother tongue of the officers.

[No. Salt-6/45/53.]

K. P. K. MENON, Dy. Secy.

## MINISTRY OF COMMUNICATIONS

## (Posts and Telegraphs)

*New Delhi, the 7th March 1956*

**S.R.O. 654.**—In exercise of the powers conferred by section 7 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby—

(i) empowers each of the officers specified below to search any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus in respect of which an offence punishable under section 6 of the said Act has been committed is kept or concealed, namely:—

“Divisional Engineer, Telegraphs, Patiala Division, Ambala.  
 Divisional Engineer, Telegraphs, Srinagar.  
 Divisional Engineer, Telegraphs, Meerut.  
 Divisional Engineer, Telegraphs, Benaras.  
 Divisional Engineer, Telegraphs, Muzaffarpur.  
 Divisional Engineer, Telegraphs, Coimbatore.  
 Divisional Engineer, Telegraphs, Kurnool.  
 Divisional Engineer, Telegraphs, Cuttack.  
 Assistant Engineer, Wireless, Jodhpur”; and

(11) directs that the following amendments shall be made in the notification of the Government of India in the Ministry of Communications No. T2/153/50-Part II, dated the 10th May, 1951, namely:—

*Amendments*

In the Annexure to the said notification—

(i) under the heading "Divisional Engineers, Telegraphs", the following entries shall be inserted at the end, namely:—

"Divisional Engineer, Telegraphs, Patiala Division, Ambala.

Divisional Engineer, Telegraphs, Meerut.

Divisional Engineer, Telegraphs, Benaras.

Divisional Engineer, Telegraphs, Muzaffarpur.

Divisional Engineer, Telegraphs, Colmbatore.

Divisional Engineer, Telegraphs, Kurnool.

Divisional Engineer, Telegraphs, Cuttack.

Divisional Engineer, Telegraphs, Srinagar";

(ii) the entry "Sub-Divisional Officer, Telegraphs, Cuttack" shall be omitted; and

(iii) for the entry "Assistant Engineer, Wireless, Bikaner", the entry "Assistant Engineer, Wireless, Jodhpur" shall be substituted.

[No. WT.1-30/55.]

H. C. SHARMA, Under Secy.

## MINISTRY OF LABOUR

*New Delhi, the 5th March 1956*

**S.R.O. 655.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the Jhagrakhand Collieries Limited and their workmen.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 11 OF 1955.

#### PRESENT

Shri P. S. Bindra, B.A. LL.B., *Chairman*

#### PARTIES

Employers in relation to the Jhagrakhand Collieries Limited

#### AND

Their workmen.

#### APPEARANCES ..

Shri T. N. Lahiri—*For the employers.*

Shri R. L. Malviya, President, and Shri R. K. Dubey, General Secretary, Chhatisgarh Colliery Workers Union.—*For the workmen.*

### AWARD

By Government of India, Ministry of Labour, Order No. LR. 2(40)/55, dated 6th June 1955 the industrial dispute between the employers in relation to the Jhagrakhand Collieries Limited and their workmen in respect of the following matter has been referred to this Tribunal for adjudication.

"Are the workmen of the Jhagrakhand Collieries, who were not entitled to any increase in wages under para. 1 of the Notification issued by the Korea State Government, dated the 15th November 1947, entitled to any increase in wages in accordance with paragraph 2 thereof and if so to what extent and from which date such increase should be allowed."

2. The Jhagrakhand Collieries Limited is a group of collieries consisting of the North Jhagrakhand Colliery, South Jhagrakhand Colliery and West Jhagrakhand Colliery in Manendragarh Sub-Division of District Surguja in Madhya Pradesh, which once formed a part of the Korea State and by notification, dated 15th November 1947 the Korea State granted certain increases in the wages of the colliery workers. This order is popularly known as 'Korea Award' (Exhibit 20). It is alleged by the workmen that under para. (2) of the said Korea Award, all employees who were not entitled to any increase in wages under para. (1) were entitled to increase in wages to the extent of 12½ per cent. on their basic pay. It is contended that the employers have not implemented the provisions of para. (2) and that all employees not covered by para. (1) are entitled to an increase of 12½ per cent. in their basic pay with effect from 1st November 1947. It is pointed out that in Reference No. 11 of 1950 regarding fixation of pay of clerks which was decided by this Tribunal, it was held that all employees not covered by para. (1) were entitled to an increase of 12½ per cent. with effect from 1st November 1947. It is also contended that there has been an agreement dated 8th March 1954 between the Agent and the Mining Engineer, Jhagrakhand Collieries and the workmen, according to which the management agreed to give the demanded increment of 12½ per cent. So according to the workmen, all the employees not covered by para. (1) should be granted a general increase of 12½ per cent. on their basic pay with effect from 1st November 1947.

3. The management has raised two preliminary objections. In the first instance, it is contended that by Order No. S.R.O. 690 dated 22nd February 1954 the Central Government constituted an Industrial Tribunal at Calcutta for the adjudication of industrial disputes concerning the coalmines consisting of Shri J. N. Majumdar, Dr. H. R. Batheja and Shri S. P. Chopra. It is further stated that by order No. S.R.O. 691 the Central Government referred to the said Tribunal for adjudication industrial disputes between the employers in relation to coalmines specified in Schedule I attached to the said order and their workmen regarding the matters specified in Schedule II attached thereto. It is pointed out that the Jhagrakhand collieries were mentioned in Schedule I being Nos. 928 to 930 and in the Schedule II there occurs an item *inter alia* "wages of all categories of workers involved in coalmines." By a further notification, the Central Government in supersession of the previous order referred the same dispute to a Tribunal consisting of Shri J. N. Majumdar, Shri S. P. Chopra, and Shri T. N. Mallappa. It is contended that the said Tribunal is still holding its proceedings and adjudicating all issues referred to it including the said issue regarding wages of all categories of workmen involved in coalmines and therefore the Central Government had no power to refer the said dispute to the present Tribunal.

4. The second objection raised on behalf of the employers is that the Korea Award is void *ab initio* for various reasons which will be dealt with later on. On merits it is contended that under the Korea Award the employers have been given a discretion to grant the increase or not and it depends upon the sweetwill of the management. It is further contended that the management has in fact since 15th November 1947 given to each of its employees who were then in its employment and were not covered by para. (1), increases in emoluments amounting to far more than 12½ per cent. of their basic pay. It is stated that the company has no regular fixed grades or scales of pay for their employees and the employees are not entitled to any fixed annual or periodical increments. Regarding reference No. 11 of 1950 relied upon by the workmen, it is stated, that, by the said order of reference the following matters were referred to for adjudication.

1. Grant of Railway fare for workers going on leave.
2. Scales of pay for clerks.

Upon the said reference an award was made by Shri S. P. Varma who then constituted the Central Government Industrial Tribunal at Dhanbad and the award was published on 5th May 1951 in the Gazette of India. The present company and its workmen were parties to this reference. Neither the present management nor its workmen appealed against the said award which became final and binding so far as the present parties are concerned. It is pointed out that only the workmen of the Chirimiri colliery which is under another management appealed against the said award. On appeal the Labour Appellate Tribunal remanded the case for further evidence and the case was then heard by the Tribunal headed by Shri L. P. Dave who gave his award giving certain increases in the pay of clerks. This award is numbered as Reference No. 11 of 1950. In this award the present employers and their workmen were not parties and therefore it is contended on behalf of the employers that the award is not binding on them. It is also pointed out that Shri Dave expressed certain opinion about the notification, dated 15th November 1947 (Korea Award) which was *obiter dictum*, as the matter was not referred to that

Tribunal. The company also denies to have entered into any agreement under which it is liable to pay any increments in pay.

5. So far as the power of the Central Government to refer the dispute to the present Tribunal is concerned, I may point out that the Industrial Tribunal consisting of Shri J. N. Majumdar, Shri S. P. Chopra, and Shri T. N. Mallappa, has to adjudicate upon the wages of colliery workers which would come into force after the publication of their award and that Tribunal has got no jurisdiction to award any past wages which have already become due. In the present case, I have been asked to adjudicate as to whether the workmen of the Jhagrakhand collieries who have not been given any increase under para. (1) of the 'Korea Award' are entitled to any increase in accordance with para. (2) and if so to what extent and from what date. In other words, I have to adjudicate in the first instance as to whether any increase is to be given, if so to what extent, and secondly if the increase is to be allowed, then whether it should be from 1st November 1947 as claimed by the workmen or as laid down by the "Korea Award", or from any subsequent date. So in short I am concerned with the past wages and not future wages while the Tribunal headed by three members has to deal with future wages. Hence the jurisdiction of this Tribunal does not clash with the jurisdiction of the other Tribunal and each Tribunal has to adjudicate upon separate independent matters. So the Government was well within its rights to refer the dispute to this Tribunal, without superseding the Calcutta Tribunal.

6. At this stage I may amplify the scope of the present reference. Para. (1) of the Notification, dated 15th November 1947 which will be referred to as "Korea Award", lays down the minimum wages to be paid to coal cutters, leaders, trolley-men, or trammers and adult male and female time-rated workers. At the conclusion of para. (1) para. (2) occurs. It reads as under:

"Any class of employees not entitled for any increase in wages under the provisions given above may be granted an increase of 12½ per cent. in their basic pay."

According to the management, as the words used are "may be granted" it is in the discretion and on the sweetwill of the management to grant this increase or not to other workers, while according to the version of the workmen "may" means shall and the management is bound to grant such increase to all employees not covered by para. (1). In my humble opinion the present reference is not regarding the interpretation of the word "may" alone but I have got jurisdiction to determine whether any increase is to be granted at all and if so to what extent, which may not necessarily be 12½ per cent. The words used are to "what extent." Had the question been regarding the interpretation only, then the question of extent could not arise, because there is no dispute about the interpretation of "12½ per cent." mentioned in para. (2).

Similarly under para. (11) of the "Korea Award" it is laid down that the order shall apply retrospectively with effect from 1st November 1947, but still I have been given the option to decide as to whether the increase will have any retrospective effect, if so from what date. The present reference clearly lays down as follows:—

"If so, to what extent and from which date such increase should be allowed."

So it is within the jurisdiction of this Tribunal to grant any increase or not and that from 1st November 1947 or any subsequent date.

7. In order to appreciate the full significance of para. (2) of the Korea Award, it is necessary to go into the history and the background of this Notification. The preamble runs as follows:—

"Whereas there has been a general rise in the prices of essential commodities necessitating a positive policy to bring about an improvement in the conditions of workers in the Coal Mining Industry.

And whereas the wages of colliery workers have been increased in the coal-fields of Bengal, Bihar, Orissa, C.P. and Berar which are bound to have repercussions in the coalfields of Korea State.

Now, therefore, the Korea State Government after a careful consideration of all factors affecting the industry in the State and in order to assure minimum wages to colliery workers, hereby orders as follows:—"

8. It is a common ground between the parties that this order of the Korea Government was passed on the findings of a Board of Conciliation constituted under Trade Disputes Act 1929 for promoting settlement of the disputes existing or

apprehended in the coalfields of Bengal and Bihar, known as Conciliation Board Award and on the report of the Fact Finding Committee appointed to report on the grant of monetary benefits and concessions to colliery workers in the Central Provinces and Berar and in Orissa, on the lines similar to those granted to colliery workers in Bengal and Bihar as a result of the recommendations of the Board of Conciliation (Colliery Dispute). Now let us examine the C. B. Award and the report of the Fact Finding Committee to gauge the significance of para. (2) of the Korea Award. From the perusal of the C. B. Award it will appear that the Board increased the basic wages of miners, trolley-men and wagon loaders by 50 per cent. and towards the end opined as follows:—

"We feel it impossible for us to prescribe rates in detail to cover all categories of collieries and all combinations of conditions and we therefore look to the industry to honour this conciliation and adjust its piece rates to comply with the general wage levels we have indicated. At the same time we expect labour to air their grievances within these recommendations. Should however it be found that complaints arise from either party, we feel that the good offices of the Government of India Conciliation Officer or in technical matters the services of a senior officer of the Department of Mines will suffice to settle such disagreements in conjunction with representatives of either party."

So after prescribing the wages for certain categories of workmen, it was pointed out by the members of the Board that they look upon the industry to honour the Conciliation and adjust the wages in cases where they were not covered by the specifications given by the Board. Similarly in the "Korea Award" para. (1) dealt with the increase in the basic wages of coal cutters, loaders, trolley-men or trammers and adult male and female time-rated workers, while para. (2) recommended an increase in respect of workmen not covered by para. (1). It wanted the industry to honour the recommendation and adjust the wages of other workmen to conform with the general wage levels indicated by the order (Korea Award).

9. In case of C.P. Fact Finding Committee, after fixing the basic wages for coal cutters, loaders, trolley-men, adult male and female time-rated workers, it was remarked as follows in para. 27:—

*Other Workers.*—Increase of 33-1/3 per cent. or 50 per cent. in the basic wages of some, and rise in the minimum wages (upto -/8/-) of others would agitate the minds of the rest if they are not shown some sort of consideration. We, therefore, recommend that workers, both underground and surface, who are at present getting between As. -/8/- and Re. 1/- per day and are not otherwise, benefitted by the general increase in the basic rates of wages, and who have had no increment since 1st July 1946 should be given an increase of 12 per cent. over their basic wage. This we find necessary and essential in order to secure peace."

The Committee also made certain recommendations about bonus, lead and lift, provident fund, cost of explosives, kerosene oil etc., which have been copied almost *verbatim* in the "Korea Award". The only difference lies in the fact that the C.P. Fact Finding Committee recommended the increase of 12 per cent. only regarding the employees who were at that time getting between As. -/8/- and Re. 1 per day, but in the "Korea Award" the increase was meant to be applied to all the employees. It was therefore thought necessary to use the word 'may'. The provision is similar as provided in the para. quoted above, of the C. B. Award, according to which the industry is to honour the recommendation and adjust the wages of other workers in conformity with the wage levels indicated. I am therefore of the opinion that though by the use of the word 'may' a discretion is given to the employers, but it is not to be exercised in an arbitrary or capricious manner, but has to be exercised in a just and an equitable manner, so that the wages of other workers are also increased to comply with the general wage levels indicated by the order (Korea Award). In case the employers did not play their part and grant the necessary increments to other workmen, the remedy lay in utilising the services of the Conciliation Officer, failing which a reference has to be made to a Tribunal, as has been done in the present case. I think the Government has interpreted the word 'may' as not having the force of 'shall' and therefore while making the present reference given power to this Tribunal to adjudicate upon the extent to which a rise in basic pay should be given and whether it should be given with retrospective effect or not. Moreover this is a new reference and the award given by me (subject to appeal) will be binding on the parties irrespective of the fact as to whether the Korea Award was valid or invalid. It is for this

Tribunal to fix the basic wages of other workmen not covered by para. (1), bearing in mind the level of wages indicated by the "Korea Award". To my mind 12½ per cent. increase on the basic pay (as it stood on 1st November 1947) must be given to all other workmen not covered by para. (1), whose basic pay did not exceed Rs. 30 per mensem, but in case of higher wage groups, the percentage of increase will have to be toned down, as is done in the case of dearness allowance. I am also of the opinion that workmen whose basic pay did not exceed Rs. 30 per mensem should get the 12½ per cent. increase with effect from 1st November 1947. It may be pointed out that according to C.P. Fact Finding Committee report and C.B. Award, such workmen were given special consideration. As regards the workmen of the higher group, I am of opinion that they should be given increments according to the following scale:—

For these drawing	Increase	Minimum.
From Rs. 31 to Rs. 100/- per mensem as basic pay on 1-II-1947.	10%	Rs. 4/-
From 101/- to Rs. 200/- per mensem as basic pay on 1-II-1947.	7½%	Rs. 10/-
From 201/- to Rs. 400/- per mensem as basic pay on 1-II-1947.	5%	Rs. 15/-

10. As regards the question as to whether this increment should be awarded with retrospective effect, and if so from what date, to those workmen, there is the evidence of Shri R. K. Dubey who has stated that the question of 12½ per cent. increment was raised for the first time in a conference with the Regional Labour Commissioner on 24th September 1948 and that there was a representative of the colliery present in that conference. He also stated that the minutes of the meeting were filed in Reference No. 6 of 1950, but the minutes were never called for in this case, and there is no documentary evidence on record to show that the demand was made in September 1948. Anyhow, Exhibit 2 is the earliest document on record which shows that a demand was made by the workmen for implementation of para. (2) of the Korea Award on 27th September 1952. Exhibit 2 is the letter from the Manager, North Jhagrakhand Collieries Limited, to the Regional Labour Commissioner, Nagpur, in reply to the letter of the Regional Labour Commissioner, dated 27th September 1952. The Manager of the North Jhagrakhand collieries stated that the increments have been given as required by para. (2) of the Korea Award. Exhibit 3 is another letter from the Manager of the South Jhagrakhand collieries on the same subject. These two letters have been filed as admissions by the company. I may point out that it is a limited concern and that neither the Manager of North Jhagrakhand nor the Manager of South Jhagrakhand colliery had any authority to bind the company. Only the Directors could enter into an agreement to bind the company. The Union has also relied upon the award of my learned predecessor given in Reference No. 11 of 1950. It was a reference in which he had to fix the wages of clerks and the present company was not a party to that reference. So the present company is not in any way bound by that award. The remark that the word 'may' used in the 'Korea Award' means 'shall' is *obiter dictum* as the matter was neither directly nor substantially in issue. In fact he based his award on the admission of the employers as the employers had admitted in their written statement filed in the case that the Korea Award covered all the categories of workmen including the clerks and that the management had implemented the award. The award having been based on the admission of the employers in that case, reference to the Korea Award was by no means material. With due deference to my learned predecessor, I do not agree with him regarding the interpretation of the word 'may' for the reasons already stated by me. My learned predecessor has remarked that looking to the history and the purpose for which the order (Korea Award) was passed he thought that the word 'may' meant 'shall'. The history of the case however shows just the otherwise. I have already referred to C.B. Award which is the real basis of the Korea Award, where it was stated that it was left to the industry to honour the conciliation and adjust its piece rates to comply with the general wage levels indicated by the Board. If the word 'may' meant 'shall', the non-compliance of the Order (Korea Award) could not subject any employer to any penalty. Recourse had to be taken to conciliation, failing which to a reference to a competent Tribunal. It is true, that it did not depend upon the sweet will of the employers to grant the increments or not. The discretion could not be exercised in an arbitrary or a capricious manner. The employers were expected to adjust other rates according to the wage levels indicated. Under the circumstances, I am of opinion that the workmen of the second category (drawing above Rs. 30 per mensem) cannot claim the increase in their basic pay prior to the earliest demand which was made on 27th September 1952. I am therefore of opinion that they are entitled to the above scale of increments in their basic pay with effect from 27th September 1952.

11. Shri Malviya on behalf of the workmen drew my attention to the fact that the award passed in Reference No. 11 of 1950 has been implemented, as will be evident from the agreements marked Exhibit 30, dated 11th September 1954, the agreement marked Exhibit 31, dated 6th November 1954, and the agreement dated 28th September 1955 marked Exhibit 32. According to Exhibit 30 the management of the Chirimiri colliery (not the present collieries) agreed to give an increment of  $12\frac{1}{2}$  per cent. with effect from 11th November 1947 on the condition that the workmen agreed to forego  $\frac{1}{3}$ rd of the total amount payable to each workman. In other words, the management agreed to pay 66 per cent. of the past wages which had fallen due according to the Korea Award. This agreement was entered into after the award made in Reference No. 11 of 1950. By agreement Exhibit 31, dated 6th November 1954, it was agreed that Reference No. 11 of 1950 be implemented in toto regarding clerks, which means that the other workmen were only to be paid  $\frac{2}{3}$ rd of the arrears. Exhibit 32, dated 28th September 1955 only shows that the said agreement was implemented by the management of the said colliery. The union has also filed an agreement marked Exhibit 33, dated 6th August 1955 showing that there was an agreement between the management of the New Chirimiri Ponri Hill colliery and their workmen, by which the management agreed to  $12\frac{1}{2}$  per cent. increase in the initial basic salary as required by the Korea Award. I have considered all these agreements while awarding the increments noted above.

12. The management have contended that they have neither regular fixed grades or scales of pay for their employees, nor they are entitled to any fixed annual or periodical increments and that they have given several increments to their employees who were in their service on 15th November 1947 and that these increments exceed the amount of  $12\frac{1}{2}$  per cent. prescribed by the Korea Award. In other words, the management wants to set off these increments against the increments awarded by me. Increments were given in the normal course and they are quite independent of the increase in the basic salary contemplated by the "Korea Award". The agreement Exhibit 33, regarding the New Chirimiri Ponri Hill colliery shows that it was agreed between the management and the workmen that  $12\frac{1}{2}$  per cent. increase in the initial basic salary will not be adjusted by the management towards the increments made from time to time. I am of opinion that the management have got no right to set off the increments given by them against the increments now awarded by me.

13. Lastly it is urged before me by the management that the Notification, dated 15th November 1947 of the Korea State (Korea Award) was neither made or expressed to me made under any power conferred by any enactment nor it was made by any legislative process. It is contended that it was merely an administrative order or a direction of the State Government and had no binding effect. It was also pointed out that under clause 10 of the said order it was laid down as follows:—

"The employers shall be responsible to ensure that all workers in the colliery get their wages including dearness allowance in accordance with the new basic wages provided under this order. The Government, may, by rules provide suitable sanctions against any infringements, apart from the provisions of any other law or enactments in force."

The Government did not make any rules to provide suitable sanctions against any infringement and no rule of law has been quoted under which this order could be enforced. At any rate, this order is without any authority as it was made when the Eastern States Union Constitution Act, 1947, was in force. The Eastern States Union Constitution Act, 1947, provided for the union of certain states the Rulers whereof had formally accepted the Union Constitution and had executed an instrument of accession. The first schedule gives the names of the states who joined this union in the first instance and the name of the Korea State occurs at No. 8 under group B (Chhatisgarh State). Under Section 61 the union legislature was authorised to make laws for the whole or any part of the area of the union with respect to matters enumerated in the Fifth Schedule of the Act. Under the fifth schedule the following three items occur:—

"24. Regulation of labour and safety in mines.

33. Contracts, including partnership, agency, contracts of carriage and other special forms of contract.

42. Trade union; industrial and labour disputes."

It is not disputed that the present dispute is covered by the above and it was only the union legislature who would make any laws about it. The Eastern States Union Government Act, 1947, came into force on 1st August 1947 according to



Section 3 of the Act. So on 15th November 1947 the Korea State had no authority to pass an order like the one in dispute (Korea Award). It is urged by Shri Malviya that in fact the Eastern Union States Constitution Act, 1947, never came into force as there was no Council of Rulers as required by Section 10, no executive authority as required by Section 11 and no Board of Rulers as required by Section 12 and similarly other provisions were not complied with. I think the wordings of Section are clear on the subject where it is laid down as follows:—

"The union Constitution shall come into operation on the seventh Shravan 2004 Vikram Sambat corresponding to the first day of August 1947."

In view of the above, I think the Act came into force and the Korea State had no power to pass the order in dispute. This was an administrative order of the State with no legal sanction behind it. But this in my opinion does not in any way affect the enforcing of the award which is now being passed by me. I have already pointed out that I have not only to interpret para. (2) of the Korea Award but I have to adjudicate and give my award as what increments should be allowed in the basic pay of the workmen in dispute and whether it should be allowed with retrospective effect or not. This reference is quite independent of the Korea Award which has been made under Section 10(1) (c) and is enforceable under Section 17A of the Industrial Disputes Act, 1947.

14. To summarise, my findings are as follows:—

All the workmen not covered by para. (1) of the 'Korea Award' are entitled to 12½ per cent. increase on their basic pay (as it stood on 1st November 1947) whose pay did not exceed Rs. 30 per mensem. In the case of workmen drawing higher salaries the following increments will be allowed on their basic pay:—

<i>Those drawing from</i>	<i>Increment</i>	<i>Minimum</i>
p. m.		Rs.
Rs. 31 to Rs. 100 as basic pay on 1-11-1947.	10%	4
Rs. 101 to Rs. 200 per mensem as basic pay on 1-11-1947	7½%	10
Rs. 201 to Rs. 400 per mensem as basic pay on 1-11-1947.	5%	15

In case of workmen not drawing more than Rs. 30 per mensem on 1st November 1947 the increase in the basic pay will be allowed with effect from 1st November 1947 and all the arrears will be paid within three months from the date of the publication of this award. In case of workmen who drew more than Rs. 30 per mensem as basic pay on 1st November 1947 will be entitled to the increase in their basic pay with effect from 27th September 1952 and the arrears will be paid within six months of the publication of this award. This award only applies to the workmen as defined under Section 2(s) of the industrial Disputes Act, 1947, and not to every employee.

I pass my award accordingly.

(Sd.) P. S. BINDRA, *Chairman*,  
Central Govt.'s Industrial Tribunal, Dhanbad.

[No. LRIL—2(40)/55.]

The 14th February, 1956.

**S.R.O. 656.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following nine awards of the Industrial Tribunal, Delhi, in the matter of applications under Section 33A of the said Act from certain workmen of the Punjab National Bank Limited, Delhi.

**BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI**

REFERENCE No. L.R.100(98). DATED 2ND SEPTEMBER, 1953

In the matter of an Industrial Dispute

Between

The employers in relation to the Punjab National Bank Ltd., and its workmen.

APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT.

Shri J. S. Alim Vs. Punjab National Bank Ltd.

Appearance: Petitioner with Shri H. L. Puri

and

Messrs. O. P. Gupta and M. K. Jain for the bank.

## AWARD

Shri Jaswant Singh Alim, complainant in the present dispute, joined the service of the Punjab National Bank Ltd. on 14th February, 1933 and was confirmed as a clerk on 21st April, 1934. He was promoted as an Accountant on 22nd August, 1938 and was confirmed as such on 1st June, 1939. In October, 1942 he entered into an agreement to serve the bank for a period of seven years. That period expired on 29th October, 1949 when he was discharged on the ground that the period of agreement had expired. At that time he was serving the bank as Assistant Manager.

2. Punjab National Bank Employees Union raised a dispute concerning the termination of the services before the Central Government Industrial Tribunal presided over by Shri K. S. Campbell Puri, challenging the propriety of termination of his services and claimed reinstatement and compensation. The bank filed written statement contending that he was an 'officer' and so the tribunal could not adjudicate upon his claim as the dispute would not be an industrial dispute. It also pleaded that his services had been rightly terminated.

3. By its award dated the 5th December, 1950 which was published in the Government of India Gazette dated 30th December 1950 the tribunal held that Shri Alim was a 'workman' and that the bank was not justified in dispensing with his services and ordered his reinstatement and also allowed compensation to him for a part of the period of his non-employment.

4. Against that award both the parties filed appeals. The appeal on behalf of Shri Alim was dismissed on the ground that there was no question of law involved in it. Regarding the appeal filed by the bank the Appellate Tribunal by its order reported as 1952 L.A.C., page 529, framing the issue "whether Shri Jaswant Singh Alim was an 'officer' or a 'workman' just before his discharge" remitted it to the tribunal with a direction to record evidence as to his duties and to transmit such evidence together with its finding to that tribunal. It was also held by the Appellate Tribunal that as a general principle the nature of the work done by the employee and the degree of his responsibility determine whether he is a clerk or an officer. His designation does not matter.

5. After taking into consideration the evidence relied on by the parties the tribunal came to the conclusion that Shri Alim was a 'workman' and submitted its report dated the 6th December, 1953 to the Appellate Tribunal which agreeing with the report also rejected the appeal of the bank *vide* 1953 L.A.C., page 303.

6. At the time of termination of his services Shri Alim was working as Staff Assistant in the office of the District Manager, because on account of his deficiency in hearing power he with the concurrence of the Head Office was considered unable to attend to the customers and was carrying on the following duties:—

- (a) He was scrutinizing the staff-strength of the branches and making necessary changes; (b) he was making necessary recommendations for promotion, etc., of the staff; (c) he was making leave arrangement in staff; (d) he was doing examination of branches and submitting reports relating to the same; (e) he signed letters in connection with staff matters on behalf of the Manager; and (f) he sanctioned leave to clerks working under him. He also held a power of attorney on behalf of the bank.

7. Shri Alim was reinstated on 15th January, 1953 and remained attached with the staff department in the Head Office but was not assigned any specific duty till his transfer to Minto Road, Delhi. Branch of the bank as Supervisor of Day Book on 9th August, 1953. As Supervisor of Day Book, according to his un-rebutted statement as his own witness he was performing the following duties:—

- (1) Preparation of classified summary of transfer journals; (2) sorting of vouchers received from different parties and handing over the same to the clerk concerned for writing in the respective long books; (3) totalling the long books received from different sections; (4) comparing the entries in the long books with entries in the day books; (5) totalling of day book, comparing the entries in the long books with the respective vouchers; (6) comparing entries in the read office daily extract with entries in the respective long books; and (7) tallying the day books with the help of a clerk working under him. He also stated that in transfer analysis register entries were ordinarily made by some clerk working under him but in case the clerk was not available he himself had to make the entries. Entries dated 14th, 15th, 19th and 20th May, 1954 are in his hand.

8. On 5th July, 1954 he was transferred to Bills and Clearing Outward and Inward Demand Drafts Section and carried out the following duties:—(1) Receipt of cheques and bills for collection and demand drafts from the dak-receipt clerk and the counter supervisor and distribute the same among the clerks working under him (2) receipt of dak after putting his initials in the column meant for receiver's initials; distribution of letters amongst clerks concerned entries in column with heading 'How disposed of' regarding documents dealt with by him were made by him, while other entries by the clerk concerned. Drafting of important letters dealt by him was done by him. In column with the heading 'initials' initials were made by him relating to the documents dealt with by him (3) The clerk concerned entered the cheques, bills and demand drafts in the respective registers and he compared with the documents concerned the entries made by the clerks; (4) the entries in 2 ODBC, 1 ODD, 2 CDD, 1 IDD, 1 LDD, 1 TBD and 1 Daily Clearing Register were compared by him with the original documents. The registers at several columns for entering the particulars of documents dealt with and after comparing the entries he initialed the same in the relevant column. (5) Forwarding schedules were prepared by the clerk concerned and after comparing the particulars given therein with the documents he sent the same to proper quarters after signing them. (6) He received realisation advices relating to bills and demand drafts sent for collection and distributed them among the clerks concerned. The clerks concerned then prepared vouchers for payment or for credit of the amounts in the names of the senders of the bills and he after verifying the signatures of the collecting authorities and correctness of other particulars put his signatures as second signatory on the vouchers. The vouchers were then sent to the Accountant or the Assistant Manager for their signatures as first signatory.

It is an admitted fact that clerks are very often given authority to sign as second signatory. (7) Realization advices were entered in the long books before they were sent to the first signatory after he had satisfied himself as to the correctness of the entries. The relative vouchers were entered in the transfer journal register and he had to compare the relevant entries with the particulars given in the vouchers and to initial every entry (8) four clerks were working under him and each of them was in charge of 2 Original Registers two relative Long Books and one transfer journal. At the end of the day the various entries in the different registers were totalled and after verifying the totals he passed the closing vouchers for the total amounts. Further details of his duties are given in Ex. WW13/A.

9. Shri Alim was designated as Assistant Manager but was carrying on the duties of Supervisor. Shri Rup Chand Shingal WW1 was also designated as Assistant Manager and was actually carrying on the duties of officer. It is significant that Mr. Shingal's claim for overtime was disallowed by the Head Office but on the representation of Mr. Alim the order of the District Manager directing him to refund the overtime allowance already paid to him was set aside by the higher authorities. It is also significant that Shri Alim was not given any power of attorney after his reinstatement in 1953.

10. While he was working in Minto Road Branch an order of the higher authorities was conveyed to him on 20th November, 1954 by the District Manager through the manager of the branch office transferring him to Kishanganj office as officiating Sub-Manager under B.O. Ajmer. He was also directed to proceed immediately to his new station as Shri Rajpal Bhalla, the Accountant incharge of the said office, was to attend the training school at the Head Office.

11. It is common ground that the post of officiating Sub-Manager at Kishanganj is that of an officer, and previously the office at Kishanganj was only a sub-office and was working at a loss. It was admitted by Shri B. N. Puri, General Manager of the bank, that the status of that office was raised simply for the reason that Shri Alim's transfer to that station might not be a misconstrued.

12. On receipt of the order of transfer Shri Alim first obtained sick leave for some time and before it was over he made this application u/s 33A in this tribunal during the pendency of proceedings relating to an industrial dispute between the Punjab National Bank Ltd. and its workmen, for the cancellation of the order of transfer on the grounds (a) that the transfer amounted to an alteration in the conditions of his service to his prejudice and (b) that it was made *mala fide* with the object of victimising him for his Trade Union activities and to dismiss him from service by taking him out of the category of workmen.

13. The bank opposed the application with the contention (a) that the order of transfer was made in an ordinary course of business without any ulterior motive and (b) that the application is not competent because Shri Alim is not workman.

14. The main question for determination in the case is whether Shri Alim is a 'workman' as contended by him or an officer as contended by the bank. A comparison of the duties carried on by Mr. Alim at the time of his discharge in 1949 and the duties carried on by him at the time of order of transfer, would clearly indicate that the former were of greater responsible nature than the latter. As Supervisor in Minto Road Branch Office he had no power to recruit, punish, transfer or promote any employee of the bank neither had he any authority to allot duties to other employees. He had no power to incur any expenses on behalf of the bank nor had he any power to allow any allowance. Previously he used to pass cheques on his own authority to the extent of Rs. 1,000 but when that fact came to the notice of the manager he prevented him from doing so.

15. On behalf of the bank a certified copy of an order dated 2 January, 1956 made by the Labour Appellate Tribunal of India, Bombay, presided over by Shri K. C. Gupta in the case of Shri Gopal Dass Jain Vs. Punjab National Bank Ltd., has been placed on the record. Relevant portion of that order reads thus:—

"An examination of the cash book discloses that it is written by Shri Gopal Dass on very few occasions, that mostly it has been written by another clerk probably the cashier himself. The examination further shows that Shri Gopal Dass has signed the cash book as having checked the cash and the entries made therein and thus performed the functions of an officer. He was the final authority for payment of cheques upto Rs. 500. Similarly he was final authority for transfer cheques upto Rs. 1,000. He could sanction cash payments on account of expenditure incurred by the bank and in his discretion order their debit to the expenditure account of the bank or to the accounts of the various concerned constituents. He has even ordered the clerks of the bank to work extra time or to attend on Holidays and given the undertaking on behalf of the bank that they will be paid extra time allowance. Not only that, except for a casual writing of the cash book and maintenance of the fixed deposit account as stated above he mainly performed the functions of checking the various accounts maintained by other clerks of the bank. He could himself lease safe deposit vaults and issue lockers. Besides the aforesaid functions many other duties of an officer were performed by him which it is not necessary for me to detach here. I see no force in the contention on behalf of Shri Gopal Dass Jain that the aforesaid duties were of routine nature and of clerical type."

16. Great stress was laid by the representative of the bank in that portion of the above order where the checking duty was considered as that of an officer. But in this connection para. 13(m) of U.P. Conciliation Board Award is very significant. It reads thus:—

"The mere fact that an employee checks or superintends the work of another clerk does not necessarily mean that he ceases to be a clerk. He does clerical work of a higher nature and here again I may refer to the dictionary meaning according to which even those who superintend work of another clerks and are clothed with some authority are clerks. There is a sharp distinction between supervisory and a controlling work."

It appears that in the above mentioned order of the Bombay Tribunal, Gopal Dass Jain was held to be an officer mostly on account of the duties of an officer performed by him. In the present case Shri Alim did not perform any function of an officer. Entries in several registers were made by him as a clerk and his checking and supervisory duties only rendered his position a bit higher than that of a clerk but all the same he was a workman within the definition of the Act. The Punjab National Bank was a party to Shri B. P. Singh's award and also before the U.P. Conciliation Board. The Conciliation Board in its award found that the duties of supervisory were clerical duties though of a higher order and so supervisors were workmen. In accordance with the order of Labour Appellate Tribunal in the case reported as 1953 Labour Appeal Cases page 1 the supervisors in the Punjab National Bank were workmen. Again in the Sastri Award grade has been fixed also of supervisors. The first point of dispute is therefore decided in favour of the complainant.

17. As regards the next point in dispute the fact that he was transferred to a very distant place from Delhi and was also expected to contact with the public, though on a previous occasion on account of his being hard of hearing it had been decided that he should not be put in charge of a post which necessitated his contact with the public, would indicate that the transfer order was not justified, specially when it involved higher expenses to the bank and Kishanganj office was already running at a loss. It can not be held with certainty that the transfer was made with the object of taking Shri Alim out of the category of workmen and then to dismiss him, but the fact mentioned above coupled with the fact that the bank authorities were apparently not favourably disposed of towards him on account of the decision of the previous case against them would indicate that the transfer was not made in the ordinary routine, specially when it was made shortly after his election as an officer of his Union.

18. The last question for consideration is what order should be made relating to the period during which the petitioner has not been performing any duties. By an order dated 14th February, 1955, it was ordered that the complainant would be considered as on special leave from the expiry of the leave already allowed to him till 5th March, 1955, that special leave was not to be counted towards his casual leave or any other leave to which he might have been entitled under the rules. On 7th March, 1955 it was further ordered that he would be considered as on the above mentioned special leave upto 20th March, 1955 in case his application was decided in his favour, otherwise he would be considered as on leave in lieu of any leave which had become due to him or else in lieu of leave which might become due to him in future. As the application could not be disposed of upto 20th March, 1955, the same order was to continue till the date of disposal of application. By my order dated 17th May, 1955 the case had to be adjourned *sine die* for want of my staff and the bank authorities inspite of my oral suggestion that he might be allowed to do some work, did not agree to it. Now as the application has been decided in his favour, the period during which he did not perform any duty will be considered as a period on special leave as specified in the order dated 7th March, 1955 mentioned above. The result is that an award is made in accordance with the above findings—and the order of the complainant's transfer to Kishanganj is set aside. He is also allowed Rs. 100 as cost against the bank. Let a copy of the award be sent to the Ministry of Labour, Central Government for necessary action.

DELHI.

The 23rd February, 1956.

RAM KANWAR,  
Industrial Tribunal.

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL; DELHI.

REF. No. L.R.—100(98), DATED 2ND SEPTEMBER 1953

In the matter of an Industrial Dispute.

BETWEEN

The employers in relation to the Punjab National Bank Ltd. and its workmen.

APPLICATION UNDER SEC. 33A OF THE INDUSTRIAL DISPUTES ACT.

Shri J. S. Alim Vs. Punjab National Bank Ltd.

APPEARANCE: Petitioner with Shri H. L. Puri

AND

Shri M. K. Jain for the bank.

AWARD

During the pendency of proceedings before this tribunal in respect of an Industrial Dispute between Punjab National Bank Ltd and its employees, Shri Jaswant Singh Alim, an employee of the bank, made this application under section 33A of the Industrial Disputes Act complaining that certain allowances due to him had been withheld by the bank, that the rate of his annual increment had been reduced from Rs 15 to 5 and that his sick leave had not been adjusted in accordance with the provisions of the Shastri Award.

2. The bank opposed the application. Ultimately the petitioner made the following statement:—"In view of the fact that the bank award is applicable with effect from 1st April, 1954 and I shall be benefitted by the terms of that award

by adjustment of my salary, this application would be infructuous and I would, therefore, withdraw it."

3. In view of the above statement the bank's representative only pressed for payment of his costs. The result of the statement is that the application is rejected and an award is made accordingly. In the circumstances of the cases I direct the parties to bear their own costs.

DELHI,

The 27th February, 1956.

RAM KANWAR,  
Industrial Tribunal.

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, DELHI

REFERENCE No. L.R.—100(98) 2ND SEPTEMBER 1953

In the matter of an Industrial Dispute

BETWEEN

The employers in relation to the Punjab National Bank Ltd. and its workmen

APPLICATION UNDER SEC. 33A OF THE INDUSTRIAL DISPUTES ACT.

Prem Nath Tondon Vs. Punjab National Bank Ltd.

APPEARANCE: Shri V. N. Sekhri for the petitioner and Shri M. K. Jain for the bank.

#### AWARD

During the pendency of adjudication proceedings before this tribunal in respect of an industrial dispute between the Punjab National Bank Ltd. and its workmen, Shri Prem Nath Tandon, an employee of the bank made this application u/s 33A of the Industrial Disputes Act on 18th January 1956, on the allegation that the bank has made certain changes in his service condition to his prejudice without the permission of this tribunal and that consequently the bank be directed not to change his service condition and to allow him to continue working as a head cashier. The application is only signed by Mr. V. N. Sekhri as representative of Prem Nath Tandon, its verification has also been done by Mr. Sekhri. The petitioner has been in the service of the bank since 1947.

The representative of the bank raised a preliminary objection that as the application is neither signed nor verified by the petitioner it is not competent. Shri Sekhri at first contended that he was competent to file the application on behalf of the petitioner, but when it was pointed out to him that the letter of authority, on the basis of which he alleged to have filed the application was not given to him on before the filing of application, he realised his mistake and made a statement withdrawing the application with the allegation that he will direct the petitioner to file a regular complaint under his own signature and with his own verification. The result therefore is that the application is dismissed and an award is made accordingly. A copy of the award be sent to the Labour Ministry, Government of India for necessary action u/s 33A of the Industrial Disputes Act.

No order as to costs.

DELHI,

The 13th February 1956.

RAM KANWAR,  
Industrial Tribunal.

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, DELHI.

REFERENCE No. L.R.—100(98) 2ND SEPTEMBER 1953

In the matter of an Industrial Dispute

BETWEEN

The employers in relation to the Punjab National Bank Ltd. and its workmen.

APPLICATION UNDER SEC. 33A OF THE INDUSTRIAL DISPUTES ACT

Prem Nath Tondon Vs. Punjab National Bank Ltd.

APPEARANCE: Shri V. N. Sekhri for the petitioner and Shri M. K. Jain for the bank.

## AWARD

During the pendency of proceedings before this Tribunal in respect of an industrial dispute between the Punjab National Bank Ltd. and its workmen, Shri Prem Nath Tandon made this application on 21st November 1955 under section 33A of the Industrial Disputes Act, on the allegation that the bank authorities had made in alteration in the conditions of his service without the written permission of the tribunal and that as the alteration is prejudicial to him, the bank be directed to cancel the order of change of the condition of service or that any other relief which the tribunal may deem fit or proper be awarded to him along with the cost of the case.

2. It is an admitted fact that the applicant entered the service of the bank in its Aminabad Branch, Lucknow in 1947 as a Chief Cashier as a nominee of the Cashier Contractor of the Bank. On 15th-17th October, 1955, the Manager of the branch office, Lucknow wrote to the petitioner as below:—

“The Head Office has been pleased to replace the cashier contractor system. The bank is prepared to appoint you as its direct employee and you should therefore execute necessary agreement on Non Judicial Stamp Paper costing Rs. 12 at your cost. You shall have to deposit a cash security of Rs. 1,000 with the bank.

P.S. Copy of the agreement is enclosed.”

3. The bank opposes the application and its preliminary objection is that as no alteration has yet been made in the condition of service of the petitioner by the letter referred to above, that it can only raise an apprehension of change in the condition of service and that consequently the petition is premature.

4. It is an admitted fact that inspite of the non-execution of the agreement by the petitioner, the petitioner is still serving as an employee of the bank. It is therefore apparent that no change has yet been made in conditions of his service to his prejudice. The application, therefore, falls and I dismiss the same and an award is made in accordance with that order. A copy of the award be sent to the Labour Ministry, Government of India for necessary action u/s 33A of the Industrial Disputes Act.

No order as to costs.

DELHI,

RAM KANWAR,

The 13th February 1956.

Industrial Tribunal.

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, DELHI.

REFERENCE NO L.R. 100(98) DATED 2ND SEPTEMBER 1953

In the matter of an Industrial Dispute

Between

The employers in relation to the Punjab National Bank Ltd. and its workmen.

APPLICATION UNDER SEC. 33A OF THE INDUSTRIAL DISPUTES ACT.

Shri S. P. Nanda Vs. Punjab National Bank. Ltd.

APPEARANCE: Petitioner with Shri H. L. Puri and Messrs O. P. Gupta and M. K. Jain for the bank.

## AWARD

Sri S. P. Nanda, complainant, joined the service of the bank as a clerk on 21st July, 1944 and was shortly after posted as an Accountant in its Rewari Branch in May, 1945. He was subsequently posted as Accountant-in-charge of Kankhal Pay Office in June, 1948.

2. To better his prospects in the bank's service he had been appearing in the examinations held by the Indian Institute of Bankers, Bombay, and out of 11 subjects of two parts he passed 10 subjects and only one subject viz. English Composition Part II was left to complete for which he appeared in the month of April, 1949. In the month of August, 1949 he was informed by the Institute that the answers submitted by him were found out to be identical with those of another candidate and that the institute had cancelled his paper and debarred him for appearing for a period of two years. The decision of the Institute was also

communicated to the bank authorities who after taking into consideration his explanation terminated his services *vide* their letter No. 87-5-2927 dated 7th December, 1949.

3. Against his order of dismissal the Bank Employees' Union raised a dispute before the Central Government Industrial Tribunal presided over by Shri K. S. Campbell-Puri. The bank opposed the same but the tribunal by its award dated the 5th December, 1950 directed the bank to reinstate him within one month of the date with effect from which its award became operative but he was not to get any remuneration for the period for which he had been out of employment.

4. The bank filed an appeal against that award and one of the grounds of appeal was that as Shri Nanda was not a 'workman' but an 'officer' his complaint was not competent. As that question was not dealt with by Shri Campbell Puri on the evidence of the parties as to the exact nature of work of the employee but he laid down a general proposition that to be an 'officer' the employee must occupy a position of command and direction and should be authorised to act without the sanction of the manager or other superiors, The Appellate Tribunal did not agree with the test laid down by Shri Campbell Puri and remitted the issue "whether Shri S. P. Nanda was an 'officer' or a 'workman' just before his discharge" to the Trial Tribunal for a finding on it after giving the parties an opportunity to lead such evidence as they desired to lead. In that order the Appellate Tribunal agreed with the following observation in the report of U.P. Conciliation Board presided over by Mr. Justice Bind Bansi Prasad at page 9 para (j) and also held that the observation also applied to a case under the Central Industrial Disputes Act:—

"As a general principle it may be stated that it is the nature of the work done by an employee and the degree of his responsibility which determine whether he is a clerk or an officer. His designation does not matter. The salary of an employee is no determining factor, because the definition of 'workman' in the Industrial Disputes Act, 1947, contains no limitation based on salary, as is the case in the definition of this work in the Workmen's Compensation Act, 1923. If an employee performs work of clerical nature with no responsibilities of an officer but the employees give him the designation of an officer, he is not deprived of the protection afforded to him by the United Provinces Industrial Disputes Act, 1947. Similarly if an employee has the responsibilities of an officer, but part of his work is that of a clerical nature, he is not a clerk but an officer. If the essential part of the work assigned to an employee is of a clerical nature and his responsibilities are not those of an officer he would be a clerk. I use the term 'clerk' in contra-distinction to that of an officer. Broadly speaking, in every office there are three classes of employees, (1) officers, (2) clerical establishment and (3) inferior establishment consisting of those who do manual work. Class I is not covered by the United Provinces Industrial Disputes Act, 1947. The other two fall within its purview."

5. After recording the evidence of the parties Shri Campbell Puri came to the conclusion that Shri Nanda was a workman and submitted his report to the Appellate Tribunal on 6th October, 1952 and also referred to para 13 sub-class 'k' of the award of U. P. Conciliation Board. That para reads thus:—

"I think it proper here to explain the distinction between a clerk and an officer with special reference to banks. An officer is one who has responsibilities of a directional and controlling nature within the scope of his authority. Power such as passing final orders for payments, signing receipts and documents on behalf of the bank, appointment or punishment or both of the subordinate staff and grant of leave to the staff are some of the attributes of officers. There may be an officer who may not possess all these attributes. Nevertheless, he may be an officer. The test is whether his duties and responsibilities are of a directional and controlling nature. Similarly there may be a clerk who may possess any of these attributes in a restricted degree. A clerk does work of a routine or mechanical nature and has no responsibility to take final decision in most of the matters which come in his hands."

6. The Appellate Tribunal agreed with that finding and coming to the conclusion that Shri Nanda's dismissal was made in violation of the principles of natural justice dismissed the appeal of the bank by its order dated 5th December 1952 reported as 1953 L.A.C. page 303.



7. Shri Nanda was thereupon reinstated on 18th January, 1953 i.e. from the date as directed by Shri Campbell Puri by his award. It is very strange that after his reinstatement Shri Nanda remained in Delhi but was transferred 26 times from one branch of the bank to another within a period of nineteen months. He made a representation to the General Manager of the bank complaining of his constant transfers which according to him were alleged to be due to his Trade Union activities and his active association with the Punjab National Bank Employees Union, Delhi and Delhi State Bank Employees Federation of which he had been an active member of the Executive Committee.

8. His last posting in Delhi was in Shahdara branch on 28th July, 1954 as a Supervisor. Shortly after that he was elected as Assistant Secretary of the Punjab National Bank Employees Union on 13th November, 1954.

9. On 20th November, 1954 the bank's management abruptly made an order of his transfer to its Jwalapur office as Accountant-in-charge and conveyed the transfer order on telephone to the Accountant-in-charge Shahdara branch directing him (Shri Nanda) to proceed to his new station without availing any joining time and to resume duty there on the coming day. At Jwalapur he was to relieve Shri Bhasin who was to come to Delhi to receive some training.

10. It is common ground that the incumbent of the post of Accountant-in-charge at Jwalapur is an 'officer' and not a 'workman'.

11. Shri Nanda's allegation is that his new appointment has been made with the object of taking him out of the category of workmen and then to terminate his service after depriving him of the legal remedy available to him under the Industrial Disputes Act as a workman.

12. On receipt of the order of transfer Shri Nanda successfully applied for grant of sick leave upto 20th February and meanwhile during the proceedings before this tribunal in respect of an industrial dispute between Punjab National Bank Ltd. and its employees made this application on 8th February, 1955 for the cancellation of the order of his transfer on the ground (a) that the bank by that transfer had affected a change in the condition of his service by raising him to the post of an officer and had thus infringed the provisions of section 33 of the Industrial Disputes Act and (b) that the complainant fears that the management has put him in charge of an office with the object of taking him out of the category of workmen and than to terminate his service and thus to deprive him of the legal remedy now available to him under the Industrial Disputes Act.

13. The bank opposes the application with the contentions (1) that Shri Nanda is not a 'workman' as defined in the Industrial Disputes Act and consequently is not competent to make the present application and (2) that the transfer of complainant was made in the ordinary course of business and without any ulterior motive as suggested by the complainant. It was also stated by the bank that it was not concerned with the Trade Union activities of the complainant and that what the management expected was faithful attitude of an employee. It was also contended on its behalf that the bank was not interested in his election to the office of Punjab National Bank Employees Union.

14. The first question for decision in this dispute is whether the complainant was or was not a 'workman' when an order was made of his transfer to Jwalapur. According to the Industrial Disputes Act 'workman' means any person employed in any industry to do any skilled or unskilled manual or clerical work, for hire or reward. The word 'clerk' is not defined in the act. According to new English Dictionary the meaning assigned to the word 'clerk' is as follows:—

"The officer who has charge of the records correspondence and accounts of any department, court, corporation or society and superintends the general conduct of this business. One employed in subordinate position in a public or private office, shop, warehouse etc. to make written entries, keep accounts make fair copies of documents, do the mechanical work and correspondence and the similar clerical work."

15. For determination of the question whether Mr. Nanda was or was not a workman, we have to look to the nature of work he was doing in the bank at the time of the order of his transfer to Jwalapur. The evidence of Shri P. N. Kaul, Accountant-in-charge, Shahdara branch of the bank, is that according to the duty sheet of the officials working in his branch Shri Nanda's duties were (1) incharge bills and ledgers (2) passing of routine. He was also put in charge of stationery excluding documents i.e. cheque books etc. He was also doing the dak-despatch checking work and also the morning checking of cash credit and current ledgers.

He also stated that entries from 2nd August 1954 to 20th September 1954 in the dak-register and disposal register are in the hand of Shri Nanda and so are the entries on pages 62 to 81 in the Local Outward Despatch Register are initialed by from 21st September, 1954 to 23rd October, 1954. He also stated that entries on pages 62 to 81 in the Local Outward Despatch Register are initialed by Mr. Nanda in the column with the heading 'Postage and Clerk's Initials' and that Shri Nanda was getting overtime allowance at the same rates as the other clerks in the office. It was admitted by Mr. Kaul that Shri Nanda was not competent to grant leave to the other employees of the branch nor any increment or promotion to them. He was also not competent to punish any employee of the branch. In cross-examination Mr. Kaul stated that Mr. Nanda used to check the work done by the clerks working in the branch and was supervising the work of the clerks working under him. It is an admitted fact that Mr. Nanda passed cheques upto Rs. 250 under his own authority. Again according to unrebutted statement of Mr. Nanda as his own witness his duties in Shahdara Office were: (a) entering of all letters in the dak receipt register (b) entering of documents in the register and handing over the same to the persons concerned against their initials (c) writing of cash book (d) writing of office orders to be signed by the Accountant-in-charge (e) drafting and writing letters for signatures of the Accountant-in-charge (f) issuing reminders of outstanding bills (g) maintaining a record of daily stationery used for passing monthly vouchers of stationery consumed (h) working out figures for preparation of periodical statements to Head Office (i) casting and tallying of balances periodically as allotted from time to time vide office order of the Accountant-in-charge (j) comparing and scrutinizing the contents of the envelopes containing dak for customers and branches (k) comparing of postage in hand with those mentioned in the register (l) comparing of the credit and debit entries in the current and saving fund ledgers with the relevant vouchers and signing them as second signaturee (m) comparing the entries therein (n) daily morning comparing of entries in the current and cash-credit ledgers (o) comparing of stock reports of the entries in the stock registers and delivery order book (p) Deposit accounts, current accounts, saving accounts and fixed deposits; in connection with the current account and the saving account the procedure was that the depositor presented a cheque on the counter upto any amount in the case of current account and upto Rs. 500 in the case of saving account, the cheques so received by the clerk on the counter were scrutinized by him (complainant). In lieu of the cheque the clerk had to issue a token, the clerk then entered the cheque in the relevant account and passed on the ledger to him. The complainant had to scrutinize the cheque in every respect, to look at the number of the cheque, whether it was from the cheque book issued by the bank to that particular person in whose account it was to be debited, the date of the cheque whether it was not beyond six months prior to the date of presentation. He was also to see as to the name of the payee and test the correctness of the endorsement on the bank of the cheque and to compare the signature of the drawer with his specimen signatures on the record of the bank. In the case of fixed deposits the routine was more complicated. (q) bills for collection, demand draft (IDBC, ODBC, & IDD, ODD), the complainant had to maintain with the help of the junior clerk the following registers:

- 2 IDBC, 4 ODBC, 1 IDD and 2 ODD registers with the equal number of long books along with 3 Transfer Journals

16 The evidence of the parties relating to Shri Nanda's duty at Kankhar produced before Shri Campbell Puri after the remand of the complainant's previous case by the Labour Appellate Tribunal indicates that those duties were obviously of a greater responsibility than his duties at Shahdara. The main question for determination is whether the checking and supervising of work of other employees is or is not the work of a clerk. The checking of work of a clerk means to see whether he has made the entries in the relevant register in accordance with the relevant documents and totals of sums have been made correctly. It is an admitted fact that if checking officer finds out mistakes in the work of the clerk, he makes the necessary corrections in his own hand with his initials, makes his own totals to see whether the total done by the clerk is correct and then to initial all the entries in the relevant column to indicate that he has done the checking and have found the same to be correct. This is apparently a mechanical work though of a somewhat higher nature and the person doing that work is nothing but a glorified clerk. For the same reason in the Shastri Award scale of pay has also been laid down for supervisors

17 On behalf of the bank a certified copy of an order dated 2nd January 1956 made by the Labour Appellate Tribunal of India at Bombay presided over by

Shri K. C. Gupta in the case of Shri Gopal Dass Jain Vs. Punjab National Bank Ltd., has been placed on the record. Relevant portion of that order reads thus:—

"An examination of the cash book discloses that it is written by Shri Gopal Dass on very few occasions, that mostly it has been written by another clerk probably the cashier himself. The examination further shows that Shri Gopal Dass has signed the cash book as having checked the cash and the entries made therein and thus performed the functions of an officer. He was the final authority for payment of cheques upto Rs. 500. Similarly he was final authority for transfer cheques upto Rs. 1,000. He could sanction cash payments on account of expenditure incurred by the bank and in his discretion order their debit to the expenditure account of the bank or to the accounts of the various concerned constituents. He has even ordered the clerk of the bank to work extra time or to attend on Holidays and given the undertaking on behalf of the bank that they will be paid extra time allowance. Not only that, except for a casual writing of the cash book and maintenance of the fixed deposit account as stated above he mainly performed the functions of checking the various accounts maintained by other clerks of the bank. He could himself lease safe deposit vaults and issue lockers. Besides the aforesaid functions many other duties of an officer were performed by him which it is not necessary for me to detail here. I see no force in the contention on behalf of Shri Gopal Dass Jain that the aforesaid duties were of routine nature and of clerical type".

18. Great stress was laid by the representative of the bank in that portion of the above order where the checking duty was considered as that of an officer. But in this connection para 13(m) of U.P. Conciliation Board Award is very significant. It reads thus:—

"The mere fact that an employee checks or superintends the work of another clerk does not necessarily mean that he ceases to be a clerk. He does clerical work of a higher nature and here again I may refer to the dictionary meaning according to which even those who superintend work of another clerk and are clothed with some authority are clerks. There is a sharp distinction between supervisory and a controlling work".

It appears that in the above mentioned order of the Bombay Tribunal, Gopal Dass Jain was held to be an officer mostly on account of the duties of an officer performed by him. In the present case Mr. Nanda with the exception of passing cheques upto Rs. 250 did not perform any other function of an officer, entries in several registers were made by himself as a clerk and his checking and supervisory duties only rendered his position a little higher than that of an ordinary clerk, but all the same he was a workman within the definition of the Act.

19. The next point for consideration is whether the order of his transfer to Jwalapur Office was or was not justified. As the compliance of that order would have taken him out of the category of workmen and thus deprived him of the advantages available to him under the Industrial Disputes Act, the transfer amounted to a change in the conditions of his service to his prejudice and consequently he has a right to contest the validity of the same. It is not possible to hold definitely that the bank authorities were actuated by any mala fide motive and actually intended to cause injury to him by taking him out of the category of workmen by giving him the post of an officer. But the fact that within a period of 19 months he was transferred 26 times from one local branch to another clearly indicates that they were not favourably disposed of towards him specially on account of the decision of the previous case against them. As a matter of fact, when there was a proposal of his transfer to Jwalapur, an office note was put up to the effect that his transfer might be considered as an act of victimisation.

20. The last question for consideration is what order should be made relating to the period during which the petitioner has not been performing any duties. By an order dated 14th February, 1955, it was ordered that the complainant would be considered as on special leave from the expiry of the leave already allowed to him till 5th March, 1955. That special leave was not to be counted towards his casual leave or any other leave to which he might have been entitled under the rules. On 7th March, 1955 it was further ordered that he would be considered as on the above mentioned special leave upto 20th March, 1955 in case his application was decided in favour, otherwise he would be considered as on leave in lieu of any leave which had become due to him or else in lieu of leave which might

become due to him in future. As the application could not be disposed of upto 20th March, 1955, the same order was to continue till the date of disposal of application. By my order dated 17th May 1955 the case had to be adjourned since die for want of my staff and the bank authorities inspite of my oral suggestion that he may be allowed to do some work did not agree to it. Now as the application has been decided in his favour, the period during which he did not perform any duty will be considered as a period on special leave as specified in the order dated 7th March, 1955 mentioned above. The result is that an award is made in accordance with the above findings—and the order of the complainant's transfer to Jwalapur is set aside. He is also allowed Rs. 100 as costs against the bank. Let a copy of the award be sent to the Ministry of Labour, Central Government for necessary action.

DELHI;  
The 23rd February, 1956.

RAM KANWAR,  
Industrial Tribunal

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL: DELHI

REFERENCE NO. L. R. 100 (98) DATED 2-9-53

In the matter of an Industrial Dispute  
Between

The employers in relation to the Punjab National Bank Ltd., and its workmen.

APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT

Shri Ram Saroop Vs. Punjab National Bank Ltd.

APPEARANCE: Petitioner with Shri V. N. Sekhri, Provincial Joint Secretary, U.P.  
Bank Employees Union and Shri M. K. Jain for the bank.

AWARD

The applicant is a Hundi-presenter in Aminabad—Lucknow Branch of the Punjab National Bank Ltd. On 15th/17th October, 1955 the Manager of the branch office of the bank served a notice on the petitioner to the following effect:—

"The Head Office has been pleased to replace the Cashier Contractor System. The bank is prepared to appoint you as its direct employee and you should therefore execute necessary agreement on Judicial Stamp Paper of Rs. 5 at your cost. You shall have to deposit a cash security of Rs. 500 in the bank.

P.S. Copy of the agreement is enclosed."

2. On receipt of that notice Shri Ram Saroop on account of the pendency of the adjudication proceedings in this tribunal relating to an industrial dispute between the Punjab National Bank Ltd. and its employees made this application under section 33A of the Industrial Disputes Act, stating that the notice mentioned above amounted to a change in the condition of his service and that consequently it was null and void because it was issued without attaining the written permission of this tribunal.

3. The bank opposed the application and contended that the facts stated in the application did not disclose that any contravention of Section 33 of the Industrial Disputes Act has been caused by the bank as no service conditions of the applicant which were applicable to him immediately before the commencement of the proceedings before this tribunal had been altered to his prejudice nor had been discharged from service or punished whether by way of dismissal or otherwise by the bank.

4. The parties have now compromised the dispute and the applicant's representative has withdrawn the application with the result that it is dismissed and an award is made accordingly. A copy of the award may be sent to the Ministry of Labour, Central Government for necessary action.

5. No order as to costs.

DELHI;  
The 14th February, 1956.

RAM KANWAR,  
Industrial Tribunal.

**BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL: DELHI**

REFERENCE NO. L. R. 100(98) DATED 2-9-53

In the matter of an Industrial Dispute

Between

The employers in relation to the Punjab National Bank Ltd., and its workmen  
APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT

Shri Shiv Bhajan Shukla Vs. Punjab National Bank Ltd.

APPEARANCE: Petitioner with Shri V. N. Sekhri, Provincial Joint Secretary,  
U.P. Bank Employees Union and Shri M. K. Jain for the bank.**AWARD**

The applicant is a Hundi-presenter in Hazrat Ganj—Lucknow Branch of the Punjab National Bank Ltd. On 15th/17th October 1955 the Manager of the branch office of the bank served a notice on the petitioner of the following effect:—

“The Head Office has been pleased to replace the Cashier Contractor System. The bank is prepared to appoint you as its direct employee and you should therefore execute necessary agreement on Judicial Stamp Paper of Rs. 5 at your cost. You shall have to deposit a cash security of Rs. 500 in the bank.

P. S. Copy of the agreement is enclosed.”

2. On receipt of that notice Shri Shiv Bhajan Shukla on account of the pendency of the adjudication proceedings in this tribunal relating to an industrial dispute between the Punjab National Bank and its employees made this application under section 33A of the Industrial Disputes Act, stating that the notice mentioned above amounted to a change in the condition of his service and that consequently it was null and void because it was issued without attaining the written permission of this tribunal.

3. The bank opposed the application and contended that the fact stated in the application did not disclose that any contravention of Section 33 of the INDUSTRIAL Disputes Act has been caused by the bank as no service conditions of the applicant which were applicable to him immediately before the commencement of the proceedings before this tribunal had been altered to his prejudice nor had he been discharged from service or punished whether by way of dismissal or otherwise by the bank.

4. As the applicant had already furnished the required security and the bank did not insist on the execution of any agreement by him, the applicant's representative has withdrawn the application with the result that the same is dismissed and an award is made accordingly. A copy of the award may be sent to the Ministry of Labour Central Government for necessary action.

No order as to costs.

DELHI;

The 14th February, 1956.

RAM KANWAR,  
Industrial Tribunal,

**BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL: DELHI**

REFERENCE NO. L. R. 100(98) DATED 2-9-53

In the matter of an Industrial Dispute

Between

The employees in relation to the Punjab National Bank Ltd., and its employers  
APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT

Shri D. D. Seth Vs. Punjab National Bank

APPEARANCE: Shri V. N. Sekhri for the petitioner and Shri M. K. Jain for the  
Bank.

## AWARD

By a written agreement dated the 15th August, 1939 Shri Har Narain entered into the service of the Punjab National Bank at its Lucknow Branch as Cashier after depositing a cash security of Rs. 10,000 and the present petitioner Shri D. D. Seth, his son-in-law attested the document as one of the witnesses. It appears that he was appointed cashier of another branch of the Bank at Lucknow after making a further deposit of Rs. 1,000.

2. The condition which is relevant to the present deposit is contained in para 15 of the agreement, Exh. WW1/X/1 and it reads as follows:—

“For the due appointment of this (as referred to in para. 14) substitute no further evidence will be necessary beyond a chit signed by the cashier or by person previously authorised by him in this behalf in writing appointing him as such substitute. The cashier shall be responsible for the acts and defaults of the substitute appointed under this clause in the same way as if he has been appointed by the cashier himself.”

3. On 22nd June, 1943 Shri Harnarain sent letter, Exh. WW1/X/2 to the Manager of Lucknow Branch of the Bank, reading as below:—

“Dear Sir,

RE:—*Contractorship as Treasurer for your office and Aminabad sub-office.*  
With reference to above I beg to advise having given authority to L. Durga Das to act on my behalf in respect of the following:—

- (1) To receive monthly salary from you and to disburse payments to working cashiers.
- (2) To conduct all the relevant correspondence.
- (3) To appoint working cashiers and hundi-presenters, to dismiss them or to make any changes in the cashiers staff, which will of course be subject to your approval.

For such acts done by him, I take the full responsibility legally or otherwise.

Yours faithfully,

Sd/- Harnarain.”

4. According to the agreement, the Bank was entitled to dispense with the cashiers' services on giving 3 months' notice, and if the Bank dispensed with his services forthwith without any notice, the cashier was entitled to three months' pay in lieu of notice.

5. In August, 1955, Shri Harnarain was contractor Cashier at Lucknow of Hazrat Ganj Branch., Sadar Pay Office and Aminabad Branch. On 27th August, 1955, the Manager of Hazrat Ganj Branch served a notice on Lala Harnarain terminating his contract after three months and a similar notice was served upon him on 31st August by the Manager of the Aminabad Branch, copies of these notices were also sent to Shri Durga Das Seth. It is significant that in the latter notice Shri Seth was clearly described as “Representative Contractor Cashier.”

6. On receipt of these notices L. Harnarain did not raise any sort of objection, but wrote to the Head Office of the Bank on 13th December, 1955 for the refund of the deposit of Rs. 20,000 made by him along with interest thereon upto the date of refund.

7. During the pendency of proceedings before this tribunal in respect of an Industrial Dispute between the Bank and its workmen, Shri Durga Das Seth sent his present petition dated 11th November, 1955 to the tribunal by registered post and it was received here on 15th November, 1955.

8. His main allegations in his petition are that he has been in the service of the Bank as a cashier since August, 1939. That he is a workman as defined in Section 2(S) of the Industrial Disputes Act and that the Bank, in Contravention of Section 33 of the Act has decided to discharge him from its service without the prior permission of this tribunal.

9. The reliefs claimed by him are:—

- (a) That the Bank's notices dated 27th and 31st, August, 1955 be cancelled and declared illegal and the Bank be directed not to terminate his employment without the tribunal's prior permission,

- (b) Any other relief and substantial compensation which the tribunal may deem fit and proper according to the merits of the case.

10. In his petition, Shri Durga Das Seth did not explain how he was competent to make it when the agreement with the Bank was made by Shri Harnarain, but in his statement before the tribunal, the position taken up by him was that he was real beneficiary under the agreement and that Shri Har Narain had executed it only formally because he (petitioner) was not in a position to deposit the required security.

11. The Bank opposed the applications on the following frauds:—

- (i) That the application is premature;
- (ii) that the petitioner is not an employee of the Bank;
- (iii) that employment was on a contract basis;
- (iv) that the petitioner even if an employee of the Bank is not a 'workman'.

12. I shall now take up these objections serially—

*Objection (i).*—Up to the time of the filing of the present petition the petitioner had not been discharged or punished in any way by the Bank. The notices can only be considered as creating apprehensions of discharge. I would therefore hold that the petition was pre-mature.

*13. Objection (ii).*—The petitioner has placed 168 documents on the record in support of his allegation that he was as a matter of fact, the real contractor-cashier and that Lala Har Narain had deposited the security in the Bank simply for his sake because he himself was incapable to make the necessary deposit. Great stress was laid on document No. 5 a certified copy of an agreement purported to have been executed between Lala Har Narain and the petitioner on 17th August, 1941. In that document it is stated that L. Har Narain had secured the cashiership of the Bank to provide for his daughter, the wife of the petitioner and their children, that security money deposited by him shall remain his. First of all, the mere certified copy is no legal evidence in the absence of the original—or proof of the loss of the latter. Again Lala Har Narain has not come forward to depose to its correctness or to the correctness of the petitioner's allegations. Moreover, the bank was not a party to it and consequently it has no force so far as the Bank is concerned. The original contract of employment was made between the Bank and Lala Har Narain.

In most of the documents produced by the petitioner, he was addressed as Cashier-contractor. It is also evident from certain documents that the contractor-cashier's pay was credited to the account of the Petitioner in the Bank and certain loss incurred by the contractor were debited to his account. It is significant that all those documents are of dates subsequent to the date of letter, Exh. WW1/X/2 referred to above. It is therefore clear that all these acts were the out-come of the authority given therein to the petitioner. I would consequently hold that the petitioner was not an employee of the Bank but only a representative of its cashier-contractor. He never worked in the office of the Bank and admittedly went there off and on; never signed any attendance register; was not paid any dearness allowance and only received the salary due to L. Har Narain; and never obtained any leave from the Bank authorities, for his absence from office. That being so, I would decide this point also against the petitioner.

*14. Objection (iii).*—The cashier-contractor had only contracted to supply employees to the Bank and made himself liable for any loss caused to the Bank by any of them. He himself was not expected to do any work expected from a workman much less to do it subject to the command of his master. That being so, his employment is not that of an employee in the real sense of the term. This point is also decided against the petitioner.

*15. Objection (iv).*—As already observed the petitioner never worked as a workman in the office of the Bank and only went there now and then. All the correspondence work done by him was done as representative of the cashier-contractor and not on behalf of a Bank as its employee. In the case *United Commercial Bank Ltd. versus—L. S. Seth* (1954 L.L.J. Volume II p.457) it was held by the Labour Appellate Tribunal that a Head cashier of the Bank was not a 'workman' though he himself personally discharged certain duties in the Bank as its servant. But the present petitioner never worked in the Bank—and his position even if he was a cashier contractor was much superior to that of a Head Cashier. This point is also therefore decided against the petitioner.

The result therefore is that in accordance with above findings, the petition fails, and consequently an award is made dismissing it. Let a copy of the award be sent to the Labour Ministry of the Central Government for necessary action.

No orders as to costs.

DELHI.

*The 26th January, 1956*

RAM KANWAR,  
Industrial Tribunal

BEFORE SHRI RAM KANWAR, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, DELHI

REFERENCE NO L.R.-100(98) DATED 2ND SEPTEMBER 1953

In the matter of an Industrial Dispute

Between

The employers in relation to the Punjab National Bank Ltd. and its workmen

APPLICATION UNDER SECTION 33A OF THE INDUSTRIAL DISPUTES ACT

Hargopal Bhagat

Vs.

Punjab National Bank Ltd.

**PRESENCE.**—Petitioner with Shri R K Bhanot and Shri M. K. Jain for the bank.

AWARD

During the pendency of proceedings before the tribunal in respect of an Industrial Dispute between the Punjab National Bank Ltd. and its workmen, the bank made an application on 5th May, 1955 for the written permission of the Tribunal to dismiss from its service, the present petitioner Shri Hargopal Bhagat then working as a cashier in its Pay-office at Amroha with its parent branch at Hapur.

2. On 2nd June, 1953 the petitioner was deputed to bring Rs. 50,000 from Hapur branch and Ganga Ram guard accompanied him. He came back with the cash on 3rd June and on 9th June submitted his T.A. Bill charging 2nd class railway fare from Hapur to Amroha, certifying that he had travelled in the class of Railway Carriage to which he was entitled under the bank rules. He also verified the T.A. Bill of Ganga Ram guard who was also shown to have travelled in 2nd Class on his return journey from Hapur to Amroha.

3. Certain correction in the T.A. Bill of Ganga Ram guard aroused the suspicion of the Hapur Branch Manager who was the final authority for sanctioning the T.A. Bills with the result that he made an enquiry from the Station Master of Hapur whether any 2nd class tickets were issued from his Station on 3rd June, 1953 for travel upto Amroha and on receipt of that gentleman's reply in the negative the Manager charge-sheeted on 23rd June, 1953 the present petitioner and Ganga Ram for submitting false T.A. Bills. The petitioner denied the charge and stated that he had actually travelled in 2nd class, but Ganga Ram frankly admitted that both of them had travelled in 3rd class and that T.A. Bills were prepared wrongly. On receipt of the above explanations and the report of the Station Master, the manager suspended the petitioner at the instance of the Head Office which also gave a direction for the filing of an application for tribunal's permission for his dismissal from service.

4. In accordance with the direction of the Head Office, an application was first made on 31st October, 1953 under Section 22 of the Industrial Disputes (Appellate Tribunal) Act in an Appellate Tribunal in which an appeal was then pending in a dispute between the bank and its employees; but during the pendency of the appeal and after its disposal on 4th January, 1955 the appellate tribunal did not take any action on that application with the result that the bank filed the above mentioned application in this tribunal on 5th May, 1955 and it was allowed by my order dated 14th October, 1955.



5. On 12th July, 1955 the present petitioner made an application under Section 33A apparently as a counter blast to the bank's application stating that his suspension from service on 25th June, 1953 involved change of his service conditions—and that he was punished by non-payment of dues which had accrued due to him.

Two preliminary objections were raised to that application on behalf of the bank, but one of them was disallowed by me. As regards the other objection that provisions of Section 33 had in no way been contravened by the bank. Shri Bhanot who appeared on behalf of the petitioner argued that the suspension order against the petitioner was illegal because it was not made by a competent authority, and that no proper procedure was followed at the time of the withholding of the petitioner's increments. As these points were not pleaded in the complaint the petitioner was advised by me to file an amended complaint clearly specifying therein the facts on which the petitioner wanted to base his claim. Amended complaint was filed on 16th August, 1955. It is contended therein that the suspension made against the petitioner was illegal because it was not made by a competent authority, that even if the order was not illegal, the bank was guilty of contravention of various provisions of Shastri Award, in the matter of increment, subsistence allowance, non-payment of bonus, other allowances, non-accrual of benefit of provident fund and other obligations. It was also alleged by the petitioner that his annual increment fell due on 12th March, 1953 but was withheld by the bank.

7. Para. 8 of his complaint, contains all sorts of abuses against the management of the bank, obviously under the impression that such abuses gave a great support to his case. It was also alleged therein that the bank authorities on certain occasions paid 2nd class fares to its employees who within their knowledge had travelled in 3rd class.

8. The alleged withholding of the increment which fell due on 12th March, 1953 can be no ground in support of the present application simply because it did not take place during the pendency of proceedings before this tribunal.

9. Suspension is of 2 kinds, Namely (a) punitive, or (b) in due course. The suspension of the petitioner was obviously of the latter kind, because it was made after it was *prima facie* established that the T.A. Bill submitted by him was admittedly false.

10. The fact that the petitioner duly signed the attendance register at the time of commencing and closing of bank's work is of no help to the petitioner. First of all it is admitted that it was not done in accordance with any written order of the immediate officer. Secondly during the suspension period the petitioner was expected not to leave station without giving the information of the same and also of his new address. The signing of the register only indicates that he was only showing his presence in the station.

11. If any increment fell due after his suspension, the bank authorities were justified in withholding the same, when a *prima facie* charge of submitting false T.A. Bill was established against him.

For the above reasons I have no hesitation in holding that the present application has no force with the result I would make an award rejecting the same. The award is submitted to the Labour Ministry of the Central Government for necessary action.

No order as to costs.

DELHI:

The 18th January, 1956.

Sd. RAM KANWAR,

Industrial Tribunal.

*New Delhi, the 12th March, 1956*

**S.R.O. 657.**—In exercise of the powers conferred by section 3 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby frames the following Coal Mines Provident Fund Scheme for the State of Hyderabad:—

1. **Short title and application.**—(i) This Scheme may be called the Hyderabad Coal Mines Provident Fund Scheme.

(ii) It shall apply to all persons employed in or in connection with coal mines in the State of Hyderabad.

(iii) The provisions of this Scheme shall be deemed to have come into force with effect from the 1st of October, 1955.

2. **Definitions.**—In this Scheme, unless there is anything repugnant in the subject or context—

(a) "Act" means the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948);

(b) "Basic wages" means the total cash emoluments, whether earned while on duty or while on leave with pay, but excluding all payments for food concession, dearness, house rent and other similar allowances, overtime, bonus, commission, presents or donations;

(c) "Board" means the Board of Trustees constituted under paragraph 3 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India, in the Ministry of Labour No. PF.15(5)/48, dated the 11th December, 1948 (hereinafter called the "said notification");

(d) "children" means legitimate children and include adopted children if the Commissioner is satisfied that under the personal law of the member adoption of a child is legally recognised;

(e) "Commissioner" means the Coal Mines Provident Fund Commissioner appointed under paragraph 23 of the Coal Mines Provident Fund Scheme published with the said notification;

(f) "excluded employee" means an employee who, having been a member of the Fund once, withdrew the full amount of his accumulations in the Fund on permanent retirement after attainment of the age of 50 years or on retirement on account of total incapacity due to bodily or mental infirmity;

(g) "family" means—(i) in the case of a male member the wife, children, and dependent parents of the member, and the widow and children of a deceased son of the member:

Provided that if a member proves that his wife has ceased under the personal law governing him or the customary law of the community to which the spouse belongs to be entitled to maintenance she shall no longer be deemed to be a part of the member's family in matters to which this Scheme relates, unless the member subsequently intimates by express notice in writing to the Commissioner that she shall continue to be so regarded; and

(ii) in the case of a female member, the husband and children of the member, the dependent parents of the husband, and the widow and children of a deceased son of the member;

Provided that if a member by notice in writing to the Commissioner expresses her desire to exclude her husband from the family, the husband shall no longer be deemed to be a part of the member's family in matters to which this Scheme relates, unless the member subsequently cancels in writing any such notice.

**Explanation.**—In either of the above two cases, if the child of a member has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognised such a child shall be considered as excluded from the family of the member;

(h) "Fund" means the Coal Mines Provident Fund established under the Coal Mines Provident Fund Scheme, published with the said notification and includes the Fund created under this Scheme;

(i) "Inspector" means a person appointed as such under section 10 of the Act;

(j) "member" shall have the meaning assigned in the Act;

- (k) "period of membership" means in respect of a member the period beginning with the date from which the first contribution is paid in respect of such member and ending with the date of the application on which he is permitted to withdraw the amount standing to his credit in the Fund under paragraph 41;

Provided that in the case of an employee whose accumulations in any Provident Fund are, transferred to the Coal Mines Provident Fund under paragraph 12 of this Scheme, the period for which he contributed to the former shall count towards the period of membership of this Fund.

- (l) "quarter" means a period of three calendar months commencing on the first of January, the first of April, the first of July and the first of October of each year;
- (m) "wages" have the meaning assigned to it in clause (vi) of Section 2 of the Payment of Wages Act, 1936 (IV of 1936).

**3. Composition of Board of Trustees.**—The Fund established under this Scheme shall merge in the Fund created under the said notification and shall be administered by the Board of Trustees constituted under paragraph 3 of the Coal Mines Provident Fund Scheme published with the said notification. The Board shall be deemed to have been constituted also under this Scheme.

**4. Powers and functions of the Board.**—Save as otherwise provided in this Scheme, the Board shall exercise the same powers and discharge the same functions as laid down in the said notification.

**5. Coal Mines Provident Fund Commissioner.**—The Commissioner appointed under paragraph 23 of the said notification shall be deemed to have been appointed also under this Scheme and save as otherwise provided in the Scheme shall exercise the same powers and discharge the same functions as laid down in the said notification.

**6. Class of employees required to join the Fund.**—Every employee to whom this Scheme applies, other than an excluded employee, shall be required to join the Fund and become a member immediately after the end of the quarter following any quarter after the thirtieth of September, 1955, in which he qualifies for a bonus under paragraph 4 of the Hyderabad Coal Mines Bonus Scheme published with the notification of the Government of India in the Ministry of Labour No. PF.23(5)/52, dated the 4th of October, 1952:

Provided that it shall not be necessary in the case of an employee who is a contributory member of the Singareni Collieries Workers' Provident Fund or who is a subscriber to the Singareni Collieries Company Limited Employees' Provident Fund at the time this Scheme comes into force to qualify for a bonus in respect of the quarters October, 1955—March, 1956 under paragraph 4 of the Hyderabad Coal Mines Bonus Scheme. Every such contributory member of the Singareni Collieries Workers' Provident Fund and in the case of subscribers of the Singareni Collieries Company Limited Employees' Provident Fund, every such subscriber, subject to the provisions contained in paragraph 7, shall be required to become a member of the Fund and his contributions thereto shall be payable with effect from 1st of April, 1956.

**Explanation.**—An employee whose basic wages exceed three hundred rupees per month from the date on which he begins work in a coal mine to which this Scheme applies cannot qualify for membership of the Fund so long as his basic wages continue to exceed three hundred rupees per month since he cannot qualify for a bonus under the Hyderabad Coal Mines Bonus Scheme. An employee whose basic wages exceed three hundred rupees per month subsequent to his qualifying for membership of the Fund shall be required to continue his membership and contributions shown in Table I in paragraph 8 will continue to be payable.

**7. Election for continuance of membership of certain other Provident Funds.**—

(1) Notwithstanding anything to the contrary contained in paragraph 6 a subscriber to the Employees' Provident Fund established for the employees of the Singareni Collieries Company, Limited may elect to continue as a subscriber thereto and if he does so, he shall not be required or be entitled to become a member of the Fund.

(2) The election referred to in sub-paragraph (1) shall be obtained by the employer in form 'C' annexed hereto immediately on the publication of this Scheme and shall be sent by the employer by registered post to the Commissioner as soon as possible.

8. **Rates of contribution.**—(1) Contributions shall be payable under this Scheme in respect of every member, in respect of each month or week, as the case may be, for the whole or part of which he is so employed after the 31st March, 1956, and shall comprise contribution by the member and contribution by the employer at the rates specified in the following tables:

Provided that an employer may cease to pay contributions in respect of a member if the member, not being a member whose wages exceed three hundred rupees per month, fails to earn a bonus in any coal mine for four successive quarters. If he does not pay the contributions as aforesaid, the election shall continue to be effective only upto the end of the quarter immediately following the quarter in which he again qualifies for a bonus under paragraph 4 of the Hyderabad Coal Mines Bonus Scheme. In the meantime, such a member shall continue as a non-contributory member so long as he does not withdraw from membership under paragraph 41.

TABLE—I

*Monthly-rated employees whose rates of basic wages exceed rupees thirty per month.*

Total of monthly basic wages, dearness allowance and cash equivalent of concessional rations at the rate of fifteen rupees per month	Member's contribution	Employer's contribution	Total monthly contribution
1	2	3	4
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Upto Rs. 10 . . . . .	0 10 0	0 10 0	1 4 0
Over Rs. 10 & upto Rs. 16 . . . . .	1 0 0	1 0 0	2 0 0
„ 16 „ 24 . . . . .	1 8 0	1 8 0	3 0 0
„ 24 „ 36 . . . . .	2 0 0	2 0 0	4 0 0
„ 36 „ 54 . . . . .	3 0 0	3 0 0	6 0 0
„ 54 „ 72 . . . . .	4 0 0	4 0 0	8 0 0
„ 72 „ 88 . . . . .	5 0 0	5 0 0	10 0 0
„ 88 „ 104 . . . . .	6 0 0	6 0 0	12 0 0
„ 104 „ 120 . . . . .	7 0 0	7 0 0	14 0 0
„ 120 „ 136 . . . . .	8 0 0	8 0 0	16 0 0
„ 136 „ 150 . . . . .	9 0 0	9 0 0	18 0 0
„ 150 „ 175 . . . . .	10 0 0	10 0 0	20 0 0
„ 175 „ 200 . . . . .	12 0 0	12 0 0	24 0 0
„ 200 „ 240 . . . . .	15 0 0	15 0 0	30 0 0
„ 240 . . . . .	1/16th of the total of monthly basic wages, dearness allowance and cash equivalent of concessional rations at the rate of rupees fifteen per month.	1/16th of the total of basic wages, dearness allowance and cash equivalent of concessional rations at the rate of rupees fifteen per month.	2/16th of the total of monthly basic wages, dearness allowance and the cash equivalent of concessional rations at the rate of rupees fifteen per month, rounded off to the nearest rupee.

TABLE II

(Rates of contribution for employees other than those referred to in Table I for any wage period ending or after the 1st of April, 1956)

Category of employees	Rates of contribution to the C.M.P.F.	
	Member's contribution per rupee of basic wages for the week	Employer's contribution per rupee of basic wages for the week
	Annas	Annas
(a) Weekly-paid Employees	0 2 0	0 2 0
	Member's contribution per rupee of basic wages for the month	Employer's contribution per rupee of basic wages for the month
	Annas	Annas
	Annas	Annas
(b) Monthly-paid Employees whose basic rate of pay does not exceed rupees thirty per month.	0 2 0	0 2 0

(2) If any dispute arises as to whether a particular item of emoluments is a part of basic wages or not, the dispute shall be referred to the Chief Labour Commissioner (Central), whose decision shall be final.

(3) For the purpose of ascertaining the amounts of a member's contribution or an employer's contribution payable in terms of Table II, any fraction of a rupee in the member's basic wages for the wage period for which contribution is so payable shall, in the first instance, be rounded off to a rupee, even though the fraction is less than eight annas.

(4) In calculating the total emoluments for the purpose of ascertaining the amount of a member's contribution or an employer's contribution in terms of Table I, the cash equivalent of concessional rations for the entire month shall be reduced by eight annas for each day of absence without pay irrespective of whether rations at concessional rates are drawn by the member or his dependents during such absence or not. Where a member leaves service in a coal mine before the end of a month or is appointed in a coal mine after the first day of a month, a reduction at the rate of eight annas per day shall be made from the cash equivalents of concessional rations at the rate of fifteen rupees per month in respect of the days of that month following or preceding such termination or joining service.

**9. Payment of contributions.**—The employer shall, whether he has collected the member's share of contribution or not, pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him, the contribution payable by the member (in this Scheme referred to as the member's contribution)

**10. Recovery of member's contribution.**—(1) The amount of any member's contribution paid or payable by the employer shall, notwithstanding the provisions of this Scheme or any law for the time being in force or any contract to the contrary, be realisable by means of deduction from the wages of the member and not otherwise:

Provided that no such deduction may be made from any wages other than such as are paid in respect of the period or part of the period in respect of which the contribution is payable.

(2) Any sum deducted by an employer from wages under this Scheme shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

**11. Employer's share not to be recovered from employees.**—Notwithstanding any contract to the contrary the employer shall not be entitled to deduct the employer's contribution from the wages of a member or otherwise to recover it from him.

**12. Transfer of accumulations from existing Provident Funds.**—Every authority in charge of or entrusted with the management of the Singareni Collieries Workers' Provident Fund and every authority in charge of or entrusted with the management of Singareni Collieries Company Limited Employees' Provident Fund shall within such time as the Central Government may direct transfer to the Fund, all the accumulations standing to the credit of such employees on the 31st of March, 1956, as become members of the Fund under paragraph 6:

Provided that where the transfer of such accumulations is deferred beyond six months from the date of publication of this Scheme the authority shall give to the Central Government such letter of guarantee or such other collateral securities as the Central Government may specify in this behalf:

Provided further that where transfer of accumulations is deferred beyond six months from the date of publication of this Scheme, the authority aforesaid shall pay to the Fund annually interest at such rate as the Central Government may specify from time to time, on the amount outstanding at the beginning of each financial year.

(2) The authority referred to in sub-paragraph (1) shall—

(i) within such period as the Commissioner may specify in this behalf, send to the Commissioner a statement in duplicate in such form as he may direct showing, separately the amount of employee's and employer's contributions standing to the credit of each subscriber, whose accumulations are transferred:

Provided that pies in subscribers' as well as employers' contributions shown in the aforesaid statement shall be ignored,

(ii) transfer to the Coal Mines Provident Fund Commissioner such relevant documents and books of account relating to the said accumulations as the Commissioner may desire to have.

(3) All accumulations required to be transferred under sub-paragraph (1), howsoever invested, shall be transferred to the Fund by the aforesaid authority in cash:

Provided that where the whole or any part of such accumulations were before the 1st April, 1956, invested in Government securities it shall be open to the authority making the transfer to have the Government securities, transferred to the Board at their face value or to transfer to the Coal Mines Provident Fund Account No. 1 maintained with the State Bank of India, Dhanbad, a sum equivalent to the face value of the securities.

(4) Any cash transferred under sub-paragraph (3) and interest payable under sub-paragraph (1), if any, shall be remitted to the credit of Coal Mines Provident Fund in the manner specified in sub-paragraph (3) of paragraph 13 of this Scheme.

**13. Mode of payment of contribution.**—(1) Every contribution payable under this Scheme shall be paid monthly in respect of each colliery separately on or before the date specified in sub-paragraph (2). The contributions shall be calculated as provided in this Scheme for all wage periods ending in a month.

(2) The employer shall pay to the Fund both the employer's contribution as well as the member's contribution for any period after the 31st March, 1956, together with an amount equivalent to three per centum of the total amount of contributions to defray the cost of administration of the Fund on or before the 15th day of every month following the month to which the contributions relate:

Provided that the rate of administrative charge mentioned above may, from time to time, be reviewed by the Central Government in consultation with the Board.

(3) Every payment under sub-paragraph (2) shall be made in one or the other of the methods specified below, that is to say:—

(i) by means of a crossed account payee cheque drawn on the State Bank of India, Dhanbad, in favour of the Coal Mines Provident Fund Account No. 1;

(ii) by means of a crossed account payee bank draft on the State Bank of India, Dhanbad, in favour of the Coal Mines Provident Fund Account No. 1;

- (iii) by a deposit of the amount in cash in the State Bank of India, Dhanbad, for being credited to the Coal Mines Provident Fund Account No. I;
- (iv) by a deposit of the amount in cash in any Government Treasury specified in Schedule 'A' of this Scheme under the following head of Account:—

"P-Deposits and advances—Part II—Deposits not bearing interest—(C)—Other Deposits Accounts—Other Deposits—Deposits of the Coal Mines Provident Fund Contribution from 1st January, 1949."

(4) A monthly abstract of all payments by an employer under sub-paragraph (3) shall be made in form 'P' annexed hereto separately in respect of each colliery and it shall be forwarded in duplicate to the Commissioner by registered post on or before the 15th day of each month, following the month to which such payments relate together with the appropriate cheques, drafts receipted pay-in-slips or original receipted challans in token of the employer having made such payments.

**14. Writing on Contribution Cards.**—(1) An employer, may, if he thinks fit, inscribe upon the card of any member employed by him, but only in such manner as may easily be erased or removed, the number of that member upon the pay list or in the books of the employer.

(2) Save as otherwise expressly provided in this Scheme or as specially authorised by the Central Government, no writing or other mark shall be made at any time upon the card until after the surrender of the card to the Commissioner.

(3) Subject to the provisions of this paragraph no over-writing or erasure mark shall be allowed to be made in any entry in the contribution card of any member relating to the basic wages or the total of monthly basic wages, dearness allowance and the cash equivalent of concessional rations at the rate of rupees fifteen per month of such member and the contributions paid in respect of him:

Provided that where any alteration or amendment of an entry in the contribution card of a member becomes necessary in the opinion of the Manager, Accountant or the head clerk of a coal mine, such alteration or amendment shall be made in the contribution card by scoring through the incorrect entry and substituting therefor a correct entry, which shall be duly initialled by the manager, accountant or the head clerk, as the case may be:

Provided further that where any adjustment on account of any excess or short payment becomes necessary, a plus or minus entry, as the case may be, shall be recorded in the appropriate column of the contribution card.

**15. Declaration by employees and preparation of Contribution Cards.**—Every person who is required to be a member of the Fund shall be asked forthwith by his employer to furnish and shall on such demand furnish to him, for communication to the Commissioner, particulars concerning himself and his nominees in Form 'A' annexed hereto. The particulars shall be entered in his own hand-writing or if he is unable to write, shall be ascertained from him by the employer and entered in form 'A'. The employer shall obtain the signature and/or the thumb impression of the person and sign the certificate on the form at the place provided for the purpose and shall immediately thereafter prepare in respect of the person a Contribution Card in Form 'D (Revised)' or 'E (Revised)' annexed hereto, as the case may be:

Provided that the declaration in form 'A' in respect of the employees who under paragraph 6 are required to become members with effect from the 1st April 1956, shall be sent to the Commissioner by registered post or railway parcel or through a messenger when demanded by him but not later than one month from the day on which their Account Nos. are communicated to the employer.

**16. Method of opening Contribution Card.**—Every employer shall, in respect of every member in a coal mine to which this Scheme applies, other than an excluded employee on or before the commencement of each period of currency, open a new contribution card in Form 'D (Revised)' or 'E (Revised)', annexed hereto, as the case may be, and record in the appropriate columns of the contribution card entries showing the amount of wages earned by such employee in every month or week, and the total amount of member's contribution and the employer's contribution payable in respect of each month or week for such employee:

Provided that in the case of monthly rated employees whose basic rates of pay exceed rupees thirty per month the total of monthly basic wages, dearness allowance and the cash equivalent of concessional rations at the rate of fifteen rupees per month calculated according to sub-paragraph (4) of paragraph 8 shall be recorded in the contribution cards in Form 'E (Revised)' in the columns bearing the heading "Wages earned" and that the words "Basic rate above rupees thirty" shall be endorsed at the top of such Contribution Cards.

**17. Submission of return of qualified employees.**—Every employer shall send by registered post or through a messenger to the Commissioner within six weeks of the commencement of each quarter a return, in duplicate, in Form 'H' annexed hereto of the employees qualifying to become members of the Fund during the preceding quarter and shall send with this return the declarations in Form 'A' furnished by the persons qualifying.

**18. Allotment of account number.**—On receipt of the Statement Return required under sub-paragraph (2) of paragraph 12 and paragraph 17, the Commissioner shall allot an account number to each person who has qualified to become a member and shall communicate the account number to the employer.

**19. Currency of Contribution Cards.**—The contribution cards issued under this Scheme shall have the period of currency of one year commencing from the first of January of each year to the thirty first of December of the same year:

Provided that the cards issued in respect of the first contribution period may have a period of currency longer or shorter than the period of one year.

**20. Renewal of Contribution Cards.**—Every employer shall, on or before the expiration of the period of currency of the contribution card, prepare in respect of each member employed by him, a card in Form 'D (Revised)' or 'E (Revised)', as may be appropriate, for the next period of currency.

**21. Submission of Contribution Cards to the Commissioner.**—Every employer shall, within six weeks from the date of expiration of the period of currency of the contribution cards in respect of members employed by him, send the contribution cards to the Commissioner by registered post or railway parcel or through a messenger together with a statement in duplicate in Form 'I (Revised)' annexed thereto.

**22. Contribution Cards of absentee members—Retention of.**—Where an employee leaves service in a coal mine or is transferred to any other coal mine or when his service is terminated by the employer, the contribution card of such employee shall be retained by the employer for submission to the Commissioner on the expiry of the period of currency to which the contribution card relates or at any time before the expiry of such period, if so directed by the Commissioner.

**23. Declaration Form—Procedure to be followed by the employer.**—(1) When a person presents himself for work at a coal mine, the employer shall require the person to furnish a written declaration in Form 'Q' annexed hereto or if the person is unable to read and write in English the employer shall obtain the necessary information from the person and complete the form and obtain thereon the person's signature or thumb impression. Such person on being so required to do shall complete the form or furnish the information, as the case may be. The declarations in Form 'Q' from any such person containing a negative statement shall be affixed to the declaration of such person in Form 'A' and forwarded to the Commissioner along with returns in Form 'H' as and when such person qualifies for membership of the Fund. Whenever the declaration in Form 'Q' is affirmative, it shall be preserved by the employer until such time as the contents thereof are verified from the previous employer.

(2) Where any such person makes a declaration in Form 'Q' to the effect that he was a member of the Fund, the employer shall open for him a new contribution card in Form 'D (Revised)' or 'E (Revised)' as the case may be, and enter therein the basic wages or the total of monthly basic wages, dearness allowance and cash equivalent of concessional rations at the rate of rupees fifteen per month calculated according to sub-paragraph (4) of paragraph 8, as the case may be and the total of the member's and the employer's contributions to be paid by the new employer during the remaining period of currency during which such person has worked under the new employer. The employer shall, at the same time, take steps to verify the truth or otherwise of the statement from his former employer, who shall be bound to furnish the required information.

(3) Where such person makes a false declaration in Form 'Q' suppressing the fact of his previous membership of the Fund, the arrears on account of the



member's share of the contribution may notwithstanding the proviso to sub-paragraph (1) of paragraph 10 of this Scheme, be realised from his wages which he may earn subsequently in such number of instalments as may be considered to be suitable by the Commissioner who shall be furnished with a complete report of the case, supported by the declaration in Form 'Q' within a period of fifteen days from the date on which the falsity of the declaration of such person comes to the notice of the new employer.

**24. Supply of Cards and Forms to employers.**—The Commissioner shall supply to employers free of charge on demand the cards and forms referred to in this Scheme:

Provided that if any employer desires to obtain any card or form in excess of what the Commissioner considers to be the requirement of the employer, the Commissioner may, if he thinks fit, supply such excess cards or forms and make such charge therefor as he considers necessary.

**25. Custody of Contribution Cards.**—The employer shall retain the contribution cards in respect of each member in his custody and shall take every possible precaution to guard them against loss or damage or unauthenticated alteration till they are received in the office of the Commissioner.

**26. Inspection of Cards by members.**—Any member who makes a request in this behalf to the employer shall be permitted to inspect his cards within a period of 72 hours of making such request provided that no member may make such a request more than once in any calendar month.

**27. Production of Cards for inspection by the Commissioner or Inspector.**—(1) Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an Inspector so requests, either in person or by notice, produce to the Commissioner, Officer or Inspector the cards of any member employed by him and any card then in his possession, and if so required by the Commissioner, Officer or Inspector, shall deliver such card to the Commissioner, Officer or Inspector who may, if he thinks fit, retain the card.

(2) The Commissioner, Officer or Inspector shall grant a receipt for every card retained by him.

**28. Remittance of Coal Mines Provident Fund money.**—(1) All amounts deposited into Government Treasuries in Hyderabad and Madhya Pradesh under paragraph 13(3)(iv) shall be remitted to the current Account No. 1 of the Coal Mines Provident Fund with the State Bank of India, Dhanbad, by the third day of the week following the week of deposit under advice to the Government of India in the Ministry of Labour and the Coal Mines Provident Fund Commissioner. The remittance shall be made by the Treasury Officers by means of Reserve Bank Drafts at par marked "Intra Provincial" favouring State Bank of India, Dhanbad, for credit to the current Account No. 1 of the Fund.

(2) The Coal Mines Provident Fund Commissioner shall submit demand statements to the Accountants General, Hyderabad, and Madhya Pradesh by the 15th of the month in respect of the deposit made into the Government Treasuries during the month preceding the last month. Any difference between the amount remitted by the Treasury Officers and that actually due to the Fund shall be adjusted by the Accountants Generals, Hyderabad and Madhya Pradesh, in a subsequent month.

**29. Suspense General Account and Administration Account.**—Of the sums realised under paragraph 13 other than those paid under paragraph 12 an amount equal to the contributions to the Fund shall be credited to an account to be named "Suspense General Account" and the amount received for defraying the cost of administration to an account to be called the "Administration Account".

Provided that the Administration Account referred to in this Scheme shall merge in the Administration Account maintained under paragraph 51 of the said notification.

**30. Provident Fund Account.**—(1) The accumulations transferable to the Fund in accordance with paragraph 12 shall be credited to the account of each of the members concerned to the extent to which he may be entitled having regard to the statements furnished under sub-paragraph (2) of paragraph 12 by debit to an account to be named "Guaranteed Payment outstanding dues from other Provident Funds (Hyderabad) Account".

(2) Any amount paid to the Fund under paragraph 12 not including therein the interest payable under the second proviso to sub-paragraph (1) of paragraph 12

shall be credited to the aforesaid "Guaranteed Payment outstanding dues from other Provident Funds (Hyderabad) Account".

(3) On receipt of the contribution cards after the expiration of their period of currency from the employers and after verification of the deposits received from the coal mines concerned, the total amount of contributions due to members concerned as per their contribution cards shall be credited to an account to be called the "Provident Fund Account" by contra debit to the "Suspense General Account".

**31. Interest Suspense Account.**—All interest, rents, and the other income realised and net profits or losses, if any, from the sale of investments, not including therein the transactions of the Administration Account, shall be credited, or as the case may be debited, to an account called the "Interest Suspense Account". Brokerage and commission on the purchase and sale of securities and other investments shall be included in the purchase or sale price, as the case may be, and not separately charged to the "Interest Suspense Account".

**32. Investment of monies belonging to the Coal Mines Provident Fund.**—All monies belonging to the Coal Mines Provident Fund shall be either deposited in the State Bank of India or in such other scheduled banks as may be approved by the Central Government from time to time, or invested in securities mentioned or referred to in clauses (a) to (d) of Section 20 of the Indian Trusts Act, 1882 (II of 1882), subject to the condition that the securities or loans in which investments are made are payable both in respect of capital and of interest in India.

(2) The Board shall prepare a classified summary of the assets of the Fund as on the 31st March, in each year or on such other date as the Central Government may specify, in Form 'O' annexed hereto, and shall append it to the Annual Report required to be submitted to the Central Government under paragraph 46.

**33. Disposal of the Coal Mines Provident Fund.**—Subject to the provisions of the Act and of this Scheme, the Coal Mines Provident Fund, not including therein the Administration Account, shall not, except with the previous sanction of the Central Government, be expended for any purpose other than the payment of the sums standing to the credit of individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.

**34. Expenses of Administration.**—Subject to the provisions of the Act and of the Scheme all expenses of administration of the Coal Mines Provident Fund, including the fees and allowances of the trustees and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contribution to Provident Fund or other benefit funds for the officers and servants of the Fund, the cost of audit of the Accounts, legal expenses and the cost of all stationery and forms required for the purpose of giving effect to this Scheme, shall be met from the Administration Account.

**35. Budget.**—(1) The Commissioner shall place before the Board at a meeting to be held in January each year a budget showing separately the probable receipts on account of Provident Fund Contributions and the levy of the administrative charge and the expenditure which he proposes to incur during the financial year commencing on the first of April next. The budget as approved by the Board shall be submitted for sanction to the Central Government before the 15th of February, each year.

Provided that the budget required to be submitted under this paragraph shall be consolidated with the budget required to be submitted under paragraph 57 of the said notification.

(2) The Central Government may sanction the budget as submitted or with such alterations therein as it considers desirable.

**36. Form of Accounts.**—The Board shall maintain the accounts of the Fund, including the "Administration Account", in such form and manner as may be specified by it with the previous approval of the Central Government.

Provided that the form of accounts approved by the Central Government in pursuance of paragraph 58 of the said notification shall be deemed to have been approved under this paragraph also.

**37. Audit.**—(1) The accounts of the Fund, including the "Administration Account", shall be audited in such manner as the Central Government may direct.

Provided that the manner of audit directed by the Central Government in pursuance of paragraph 59 of the said notification shall be deemed to be the manner of audit directed under this paragraph.

(2) The cost of the audit as determined by the Central Government shall be paid out of the "Administration Account".

**38. Members' Accounts.**—(1) An account shall be opened in the name of each member in which shall be credited

- (i) his contributions,
- (ii) the contributions made by his employer, and
- (iii) interest, as provided by paragraph 39.

(2) All items of account shall be calculated to the nearest anna; six pies or more shall be counted as the next higher anna and fraction of an anna less than six pies shall be ignored.

(3) On receipt of the contribution card of a member from his employer at the end of the period of currency of the contribution card, the Commissioner shall ascertain therefrom the total amount of member's and employer's contributions paid for the member and shall credit the amount to the account of the member, as at the last day of the period of currency.

**39. Interest.**—(1) The Commissioner shall credit to the account of each member interest at such rate as may be determined by the Central Government in consultation with the Board in respect of the periods of currency of the cards expiring in each financial year:

Provided that the rate determined in pursuance of paragraph 61 of the said notification shall be deemed to be the rate determined under this sub-paragraph.

(2) Interest for the period of currency of the card shall be credited with effect from the last day of the period on the opening balance at the credit of the member on the first day thereof:

Provided that, when the amount standing at the credit of the member has become payable, interest shall thereupon be credited under this sub-paragraph only for the period from the beginning of the current period upto the end of the month preceding the date of tender of payment or upto the end of the sixth month after the month in which the amount has become payable, whichever is earlier.

Provided further that the rate of interest to be allowed on claims for refund for the broken period of currency of cards shall be the rate fixed for the financial year in which the claim becomes payable.

(3) The aggregate amount of interest credited to the accounts of the members shall be debited to "Interest Suspense Account".

**40. Nomination.**—(1) Each member, or if he is a minor his guardian, shall make in his declaration in form 'A', a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made.

(2) A member, or if he is a minor his guardian, may in his nomination distribute the amount that may stand to his credit in the Fund amongst his nominees at his own discretion.

(3) If a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub-paragraph (1) may at any time be modified by a member, or if he is a minor by his guardian, after giving a written of his intention of doing so in Form 'M' annexed hereto. If the nominee predeceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest.

(6) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Commissioner.

**41. Circumstances in which accumulations in the Fund are payable to a member.**—(1) A member may withdraw the full amount standing to his credit in the Fund—

(a) on permanent retirement from service in the coal mining industry at any time after the attainment of the age of 50 years;

Provided that if at the time of withdrawal the period of membership in respect of that member is less than 5 years the employer's contribution and interest thereon shall be forfeited to the Fund.

(b) on retirement on account of permanent and total incapacity for work in the coalfields due to bodily or mental infirmity.

“(2) The Board, or where so authorised by the Board, the Commissioner, or where so authorised by the Commissioner, any Officer subordinate to him, may permit a member who has not attained the age of 50 years to withdraw the amount standing to his credit in the Fund, if—

(a) he has migrated from India for permanent settlement abroad, or being a national of a country other than India and having ceased to work in or in connection with a coal mine, declares his intention of leaving India for at least a year, or

(b) he has not been employed in any coal mine to which this Scheme applies for a continuous period of not less than one year immediately preceding the date on which he makes an application for withdrawal, or

(c) in the case of a member employed on fixed term contract, he does not continue to work in the coalfields after the expiry of his contract:

Provided, however, that the exercise or discharge of the powers so delegated shall be subject to such restrictions, limitations and conditions, if any, as the Board may impose:

Provided further that before the withdrawal is allowed (i) the full amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is less than 10 years, or (ii) half the amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is ten years or more but less than 25 years:

(3) The Central Government may permit any class or members to withdraw at any time after the termination of their services, the full amount standing to their credit and authorise the Commissioner to make payment to individual members of that class in accordance with such instructions as may be issued by the Central Government in this regard.

(4) A member who withdraws under sub-paragraph (2) or a member withdrawing under sub-paragraph (3) who has not attained the age of 50 years at the time of withdrawal shall be required to join as a new member of the Fund if he obtains employment again in a coal mine and qualifies again for the membership of the Fund.

(5) All sums forfeited to the Fund under sub-paragraphs (1) and (2) shall be credited to the “Reserve Account” of the Fund.

**42. Accumulations of a deceased member—to whom payable.**—(1) On the death of a member before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made—

(i) if a nomination made by the member in accordance with paragraph 40 subsists, the amount standing to his credit in the Fund or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination;

(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate as the case may be shall become payable to the members of his family in equal shares;

Provided that no share shall be payable to—

(a) sons who have attained majority;

(b) sons of a deceased son who have attained majority;

(c) married daughters whose husbands are alive;

- (d) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (a), (b), (c) and (d):

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the member and had not attained the age of majority at the time of the member's death.

NOTE:—For the purpose of this paragraph a member's posthumous child, if born alive shall be treated in the same way as a surviving child born before the member's death.

- (iii) in any case to which the provisions of clauses (i) and (ii) do not apply the whole amount that would have been otherwise payable in his case shall be payable to the person legally entitled to it:

Provided that the Commissioner, where such amount does not exceed Rs. 300 or the Chairman of the Board where it exceeds Rs. 300 but does not exceed Rs. 600 may after giving notices to such persons and in such manner and making such summary inquiry as he thinks fit, make payment of the amount to the person who appears to him to be legally entitled thereto and such payment shall be a full discharge from all liability in respect of the amount paid; but in such a case the Commissioner or as the case may be, the Chairman may before making the payment obtain from the person to whom the payment is made, such security as he considers necessary.

**43. Deductions from the account of members dismissed for serious and wilful misconduct.**—(1) If a member is dismissed by an employer in a coal mine for serious and wilful misconduct, the employer may send intimation thereof to the Commissioner and the Commissioner shall have the power to forfeit the employer's contribution upto a maximum of the employer's contribution in the last two complete periods of currency of the contribution cards and those of the period of currency of the current contribution card.

(2) Before exercising the power of forfeiture conferred on him by sub-paragraph (1), the Commissioner shall call upon the member concerned by notice in writing, to show cause why the forfeiture should not be made, and shall decide the amount of forfeiture after taking into account any representation made by the member.

(3) Each forfeiture made under sub-paragraph (1) shall be brought to the notice of the Board at a meeting held after the date of such forfeiture and may be reviewed by the Board either at its own instance or at the request of the employer and/or the member.

(4) Any amount forfeited from the individual account of a member under sub-paragraph (1) shall not be returned to the employer but shall be credited to the "Reserve Account" of the Fund.

**44. Payment of provident Fund.**—(1) When the amount standing to the credit of a member, or the balance thereof after any deduction under paragraphs 41 or 43 becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in this Scheme. He shall close the account of the member and give notice in writing to the person to whom the amount is payable, specifying the amount and tendering payment thereof

(2) If any portion of the amount, which has become payable is in doubt or dispute, the Commissioner shall make prompt payment of that portion of the amount in regard to which there is no dispute or doubt, the balance being adjusted as soon after as may be.

(3) If the person to whom any amount is to be paid under this Scheme, is a minor or lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (VIII of 1890), or a manager under the Indian Lunacy Act, 1912 (IV of 1912), as the case may be, has been appointed, the payment shall be made to such guardian or manager. If no such guardian or manager has been appointed, the payment shall be made to such person as the Commissioner, where the amount does not exceed Rs. 300 or the Chairman of the Board, in any other case, considers to be the proper person representing the minor or lunatic, and the receipt of such person for the amount paid shall be sufficient discharge thereof.

(4) If it is brought to the notice of the Commissioner that a posthumous child is to be born to the deceased member, he shall retain the amount which will be due to the child in the event of its being born alive, and distribute the balance.

If subsequently no child is born or the child is still-born, the amount retained shall be distributed in accordance with the provisions of paragraph 42.

(5) Any person who desires to claim payment under this paragraph shall send a written application to the Commissioner, who may, at the option of the person to whom payment is to be made, make the payment—

- (i) by postal money order at the cost of the payee or at any other cost if so determined by the Central Government, or
- (ii) by crossed cheque sent through post; or
- (iii) by crossed cheque at the office of the Commissioner, provided the payee is identified to the satisfaction of the Commissioner; or
- (iv) by deposit at the cost of the payee in his postal savings bank account, if any.

**45. Annual Statement of members' account.**—(1) As soon as possible after the close of each period of currency of the contribution card the Commissioner shall send to each member through the employer of the coal mine in which he was last employed a statement of his account in the Fund showing the opening balance at the beginning of the period, the total amount credited or debited in the period, the total amount of interest credited at the end of the period and the closing balance at the end of the period.

(2) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Commissioner within six months of the receipt of the statement.

**46. Annual report on the working of the Scheme.**—The Board shall submit to the Central Government by the 30th June, each year a report on the working of the Coal Mines Provident Fund Scheme during the previous financial year.

Provided that the annual report required to be submitted under this paragraph shall be consolidated with the report required to be submitted under paragraph 68 of the said notification.

**47. Issue of duplicate copies of members' account and annual report.**—The Commissioner shall furnish copies of members' accounts and of the annual report of the Fund to any member on written application on payment of such fees and subject to such conditions as has been or may be specified by the Board in this behalf in pursuance of paragraph 69 of the said notification.

**48. Obligation to produce documents before Inspector.**—Where an Inspector in exercise of the powers conferred on him under clause (b) of sub-section (2) of section 10 of the Act requires any person in charge of a coal mine or its office, to produce any document before him, that person shall produce such document before the Inspector.

**49. Transfer of records in case of change of ownership or closure of a coal mine.**—(1) In the event of a change in the ownership of a coal mine to which this Scheme applies, the previous owner shall, within a period of one month from the date of change in ownership, transfer to the new owner all records relating to this Scheme and within a fortnight of the transfer of records furnish by registered post or through a messenger a handing and taking over report in Form 'R' annexed hereto, in duplicate, to the Coal Mines Provident Fund Commissioner, duly completed by the new owner who shall take over the records transferred to him under this paragraph and acknowledge the same in the said report.

(2) In the event of any colliery being closed, the owner shall, within a period of one month from the date of closure, forward by registered post or through a messenger to the Commissioner all records relating to this Scheme and a statement in such Form as the Commissioner may specify, showing the details of the outstanding dues of the Fund, if any.

**50. Punishment for failure to pay contribution, etc.**—If any person—

- (a) fails to pay any contribution which is liable to pay under this Scheme, or
- (b) deducts or attempts to deduct from the wages or other remuneration of a member the whole or any part of the employer's contribution, or
- (c) fails or refuses to submit any return, statement or other document required by this Scheme or submits a false return, statement or other document, or
- (d) obstructs any Inspector or other official appointed under the Act or this Scheme in the discharge of his duties, or

(e) is guilty of any contravention of or non-compliance with any of the requirements of the Act or of this Scheme in respect of which no special penalty is provided,  
he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.

## SCHEDULE A

List of treasuries at which contribution and administrative charges payable under this Scheme may be deposited by collieries in the State of Hyderabad:—

Hyderabad.  
Nagpur.

## FORM A

## COAL MINES PROVIDENT FUND

(Declaration by person employed in a Coal Mine)

1. Name.....  
(In block capitals)
2. Sex.....
3. Caste or Surname .....
4. Religion.....
5. Occupation.....
6. Height.....
7. Father's Name.....
8. Husband's Name .....
- (for married women)
9. Marital Status .....
- (whether bachelor, spinster, married, widow or widower)
10. Date of birth : Day..... Month..... Year.....
11. Marks of Identification .....
12. Permanent Address .....
- Village..... Thana.....
- District..... Province or State.....

I declare that I have/my ward has not previously been a member of the Coal Mines Provident Fund and I hereby direct that the amount at my/my ward's credit in the Coal Mines Provident Fund at the time of my / my ward's death shall be paid to the following person(s) in the manner shown against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulation in the Fund to be paid to the nominee

Dated.....

Signature or Left hand thumb-impression of the person employed or his guardian. }

Certified that the above declaration has been signed by/by the guardian of..... employed in my coal mine before me after he has read the entries / the entries have been read over to him by me.

Regd. No. of Coal Mine .....

Signature of Manager or other officer. }

Dated.....

Designation.....

Name and address of Coal Mine. }

## FORM C

## COAL MINES PROVIDENT FUND

*(Election under paragraph 7 of the Hyderabad C.M.P.F. Scheme)*

1. Name.....  
(in Block Capitals)
2. Sex..... 3. Religion .....
4. Father's Name.....
5. Husband's Name.....  
(for married women only)
6. Date of Birth .....
7. Permanent Address .....
8. Name of Provident Fund of which he is already a member .....

I declare that all the particulars stated above are true to the best of my knowledge and belief and I hereby\* elect/do not elect to continue to be a member of the aforesaid Provident Fund.

*Signature or left hand thumb impression of  
person employed.*

Certified that the above declaration has been signed by.....  
.....employed in\*\*.....  
before me and that he is a member of.....  
.....Provident Fund, a fund\* recognised under the Income

\*to which the Provident

Tax Act, 1922

Funds Act, 1925, applies.

*Signature of Manager or other Officer of  
Coal Mine.*

Regstd. No. of Coal Mine.....

\*Score out the portion not applicable.

\*\*Here give the name of Coal Mine in which employed.

## FORM D (REVISED)

## COAL MINES PROVIDENT FUND

*Contribution Card for employees other than monthly rated employees for the period from.....  
.....to.....*

1. Account No.....
2. Name (in block capitals).....
3. Caste or surname.....
4. Sex.....
5. Date of birth.....
6. Occupation.....
7. Father's name .....
8. Husband's name for married women only).....
9. Marital status.....
10. Permanent address :—  
Village.....Thana.....P.O.....  
District.....Province or State.....
11. Signature or left thumb  
impression of member.....
12. Signature of person preparing the Card.....
13. Signature of Manager of Coal Mine .....
14. Registered No. of Coal Mine.....
15. Name and address of Coal Mine.....



Week	Wages earned (Pies to be taken as one anna)		Contributions		Under Charge (+) Over Charge (-)		Week	Wages earned (Pies to be taken as one anna)		Contributions		Under Charge (+) Over Charge (-)		Week	Wages earned (Pies to be taken as one anna)		Contributions		Under Charge (+) Over Charge (-)		Week	Wages earned (Pies to be taken as one anna)		Contributions		Under Charge (+) Over Charge (-)	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
1st							14th							27th								40th					
2nd							15th							28th								41st					
3rd							16th							29th								42nd					
4th							17th							30th								43rd					
5th							18th							31st								44th					
6th							19th							32nd								45th					
7th							20th							33rd								46th					
8th							21st							34th								47th					
9th							22nd							35th								48th					
10th							23rd							36th								49th					
11th							24th							37th								50th					
12th							25th							38th								51st					
13th							26th							39th								52nd					
																						53rd					
Total																											

Summary of Contributions					
Period		Contributions		Under Charge (+) Over Charge (-)	
From	To	Rs.	As.	Rs.	As.
1st week	13th week				
14th week	26th week				
27th week	39th week				
40th week	52nd/53rd week				
				Rs.	As.
Total Contributions					
Add on Account of Under Charge					
Deduct on Account of Over Charge					
Net amount of Contribution*					
*To agree with the amount shown in Statement 'I' for credit to the member's Fund Account.					

Checked and found correct.

Signature of Employer's Clerk.

Signature of Clerk in  
C.M.P.F. Office.



## Particulars of Employment

Registered No. of Coal Mine	Duration of Employment		Remarks	Initials of Emp- loyer's Clerk.
	From	To		

## FORM E (REVISED)

## COAL MINES PROVIDENT FUND

*Contribution Card for monthly rated employees for the period from.....  
.....to.....*

1. Account No. ....
2. Name (in block capitals).....
3. Caste or Surname.....
4. Sex.....
5. Date of birth.....
6. Occupation.....
7. Father's name.....
8. Husband's name (for married women only).....
9. Marital status.....
10. Permanent address .....
- Village.....P.O.....Thana .....
- District.....Province or State.....
11. Signature or left thumb impression of member.

**Fold Card here. Do not tear.**

- Account No. ....
12. Signature of person preparing the Card.....
13. Signature of Manager of Coal Mine.....
14. Registered No. of Coal Mine.....
15. Name and address of Coal Mine.....

## Particulars of employment

Registered No. of Coal Mine	Period of employment		Remarks	Initials of employer's Clerk.
	From	To		

Month	Wages earned (Pies to be taken as one anna)		Contributions		Under charge (+) Over charge(-)		Month	Wages earned (Pies to be taken as one anna)		Contributions		Under charge (+) Over charge(-)	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
1st							B.F. 7th						
2nd							8th						
3rd							9th						
4th							10th						
5th							11th						
6th							12th						
Total							Total						

**Fold Card here. Do not tear.**

	Rs.	As.
Total Contribution . . . . .		
Add on account of under charge . . . . .		
Deduct on account of over charge . . . . .		
Net account of Contribution*		

\*To agree with the amount shown in the statement 'I' for credit to Member's Fund Account.

Checked and found correct.

*Signature of employer's Clerk.*

*Signature of clerk in C.M.P.F. Office.*

## FORM H

## COAL MINES PROVIDENT FUND

*Return of persons Employed who qualified for Membership of the Coal Mines Provident Fund during the Quarter.....to.....*

(To be sent to the Commissioner in duplicate with Form A.)

Name and address of Coal Mine.....

Regd. No. of Coal Mines.....

Sl. No.	Name of employee. (In Block Capitals)	Father's name (or Husband's name in case of married women)	Category of employee's work.	Sex	Account No. (not to be filled by employer)	Remarks.

Dated.....

Signature of Manager of Coal Mines

## FORM I. (REVISED)

## OUTER

## COAL MINES PROVIDENT FUND

*Return of Contribution Cards sent to the Commissioner on Completion of Contribution*Year \_\_\_\_\_ 19 \_\_\_\_\_ To \_\_\_\_\_ 19 \_\_\_\_\_  
(To be sent in duplicate.)

Name and Address of Coal Mine \_\_\_\_\_

Registered No. of Coal Mine \_\_\_\_\_

Serial No.	Account No.	Name of member (In block capitals)	Father's or Husband's name (in the case of married women)	Total Contribution		Remark	Space use in Co. missioner's Office
				Rs.	As.		

Total amount of contribution

## FORM I. (Revised)

## INNER

Sl. No.	Account No.	Name of member (in block capitals)	Father's or Husband's name (in the case of married women)	Total Contribution		Remarks.	Space for use in Commissioner's Office.]
				Rs.	As.		

---

Total amount of contribution

---

Sl. No.	Account No.	Name of Member (In block capitals)	Father's or Husbands name (in the case of married women)	Total Contribution		Remarks.	Space for use in Commissioner's Office
				Rs.	As.		

---

Total amount of contribution

---

Total number of cards sent\_\_\_\_\_

*Details of Payment*

Nos. and dates of chalans/cheques/Bank draft/ 'Pay in' Slips.	Amount		Name of Treasury/Bank in which deposited.
	Rs.	As.	

*Dated*\_\_\_\_\_19\_\_\_\_.

*Signature of Manager of Coal Mi*



FORM M  
COAL MINES PROVIDENT FUND

I.....hereby cancel the nomination by me/my guardian on.....as regards the disposal, in the event of my/my ward's death, of the amount standing to my/my ward's credit in the Coal Mines Provident Fund and direct that the amount at my/my ward's credit in Account No.....of the Coal Mines Provident Fund at the time of my/my ward's death shall be paid to the following person(s) in the manner shown against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulation in the Fund to be paid to the nominee
1	2	3	4

Dated.....

Signature or left hand thumb impression of member or his guardian.

Certified that the above declaration has been signed by me (1).....employed in.....(2) the guardian of.....employed in.....before me.

Regd. No. of Coal Mine.....

Signature of Manager

FORM O  
COAL MINES PROVIDENT FUND

Classified Summary of the assets of the Coal Mines Provident Fund on the.....

Class of assets	Book value as per (a) below.	Market value as per (b) below.	Remarks as per (c) below
	Rs.	Rs.	Rs.
1. Government of India Securities. . . . .			
2. Indian Provincial Government securities. . . . .			
3. Indian Municipal, Port & Improvement Trust Securities including debentures. . . . .			
4. Debentures of Indian Railways. . . . .			
5. Guaranteed & Preference Shares of Indian Railways . . . . .			
6. Annuities of Indian Railways. . . . .			
7. Ordinary shares of Railways in India. . . . .			
8. Other debentures of concerns in India. . . . .			
9. Other guaranteed and Preference shares of concerns in India			
10. Other Ordinary shares of concerns in India. . . . .			
11. Cash on deposit in Banks. . . . .			
12. Cash in hand and on current account in Banks. . . . .			
13. Other asset. . . . .			
(to be specified) . . . . .			

The summary shall show—

- (a) the value for which credit is taken in the accounts for each of the above mentioned classes of assets;
- (b) the market value of such of the above-mentioned classes of assets as has been ascertained from published quotations ;
- (c) how the value of such of the above-mentioned classes of assets as has not been ascertained from published quotations has been arrived at.

FORM P  
COAL MINES PROVIDENT FUND

*Monthly abstract of deposits towards the Coal Mines Provident Fund for the month of.....  
19.....*

(To be submitted to the Coal Mines Provident Fund Commissioner in duplicate by the 15th of each month by Registered Post or through a messenger along with the original chalan/Bank receipt/cheque/draft.)

	Rs.	as.		Rs.	as.
1. Total wages earned by members of C.M.P.F. . . . .					
2. Provident Fund Contribution (Employer's & Employee's share) . . . . .					
3. Add on account of under charges (both shares) for the month of—					
	Rs.	as.			
(i) . . . . .					
(ii) . . . . .					
(iii) . . . . .					
(iv) . . . . .			Total u/c		
4. Deduct on account of over charge for the month of—					
(i) . . . . .					
(ii) . . . . .			Total o/c (minus)		
5. Net Total (2+3--4) . . . . .					
6. Administrative charges . . . . .					
7. Total in figures (5+6) . . . . .					
8. Total in words (5+6) Rupees . . . . .					
9. *(i) Deposited under Treasury chalan No. . . . . dated . . . . . in . . . . . Treasury (original chalan attached).					
*(ii) Deposited in the State Bank of India, Dhanbad, on . . . . . for credit to Coal Mines Provident Fund Account No. 1 (Receipted 'Pay-in-slip' attached).					
*(iii) Remitted vide crossed Account Payee Cheque/crossed Account Payee draft No. . . . . dated . . . . . on the State Bank of India, Dhanbad, in favour of Coal Mines Provident Fund Account No. 1 (cheque or draft attached).					

Dated . . . . . 19.....

Manager/Agent,  
..... Colliery,  
C.M.P.F. Regd. No. ....  
Zone. ....

\*Delete portions not applicable.

*For Use of the Coal Mines Provident Fund Inspectors only :—*

Received from Coal Mines Provident Fund Commissioner on (date) . . . . .

Checked with the records of the Colliery on (date) . . . . . Discrepancies  
detected have been included in my Inspection Report No. . . . . dated . . . . .  
Under charges detected have been noted in the connected contribution cards

Dated . . . . . 19.....

Inspector, C.M.P.F.  
Junior Labour Inspector.

FORM Q  
COAL MINES PROVIDENT FUND

(Declaration to be completed by persons joining any coal mine to which the Hyderabad Coal Mines Provident Fund Scheme applies)

I, \_\_\_\_\_ (in block capitals), son of/daughter  
of/wife of\* \_\_\_\_\_ hereby declare that I was pre-  
viously employed as \_\_\_\_\_ in \_\_\_\_\_ colliery.  
the coal mine) and that am/am not\* a member of the Coal Mines Provident Fund. (address of \_\_\_\_\_)

Account No. of the employee,

if any \_\_\_\_\_

Signature/thumb impression of the em-  
ployee

Certified that the contents of this declaration have been explained to the employee who has signed/thumb impressed it in my presence.

Dated . . . . . 195 .

Manager/Agent. \_\_\_\_\_  
Colliery. \_\_\_\_\_  
C.M.P.F. Regd. No. \_\_\_\_\_

\*Delete portions not applicable

FORM R  
COAL MINES PROVIDENT FUND

(Handing and taking over report to be rendered to Coal Mines Provident Fund Commissioner in the event of a change in the ownership of a coal mine)

1. Name and address of the Coal mine
2. Registered No. of the coal mine
3. Name and address of the previous owner(s)
4. Name and address of the new owner(s)

5. Date on which ownership changed

6. I have transferred the following records to

on. \_\_\_\_\_ (name of the new owner)  
date. . . . . \* and a sum of Rs. . . . .  
is due to be paid to the Coal Mines Provident  
Fund on account of Provident Fund contribution and administrative charge for the period from \_\_\_\_\_  
to. \_\_\_\_\_ in  
respect of the employees mentioned overleaf :—

- (i)
- (ii)
- (iii)
- (iv)

Date

\_\_\_\_\_  
(Signature of the previous owner or his authorised  
Agent or his Manager).

7 I have received the records mentioned at 6 above on. \_\_\_\_\_  
(date)

Date . . . . .

\_\_\_\_\_  
(Signature of the new owner or his authorised  
agent or Manager).

\*Delete if nothing is due to be paid.

*Statement of Provident Fund contribution due for the period from.....to.....\**

Serial No.	Account No.	Name of member	Father's/Husband's name	Amount of Provident Fund Contribution (both shares)	Remarks
TOTAL					_____
(Add) Administrative charges					_____
GRAND TOTAL					_____

\*Separate statement shall be prepared for each currency period

(For use of the Coal Mines Provident Fund Inspectors)

Received from the Coal Mines Provident Fund Commissioner on (date).....  
 Checked with the records of the colliery on (date).....Discrepancies detected have been included in my inspection report No.\_\_\_\_\_ dated\_\_\_\_\_  
 Undercharges detected have been noted in the connected contribution cards.

Dated.....

Inspector, C.M.P.F.

Junior Labour Inspector (Central),

[No. PF. 23(5)/II/52.]

R. C. SAKSENA, Under Secy.

*New Delhi, the 6th March 1956*

**S.R.O. 658.**—In exercise of the powers conferred by section 57 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following amendments to the Indian Coal Mines Regulations, 1926, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:—

In the said Regulations—

(1) In regulation 21—

(a) Between the words "Chief Inspector" and the words "to manage more than one mine", the following words shall be inserted, namely:—

"and subject to such conditions as may be specified therein";

(b) for the last sentence, the following sentence shall be substituted, namely:—

"The Chief Inspector may at any time, by order in writing, vary or revoke any such order and no appeal shall lie against any order varying or revoking such order."

(2) In regulation 23—

(a) in clauses (a), (b) and (c)

(i) after the words "manager of a mine", the words "or mines" shall be inserted;

(ii) the word "monthly" shall be omitted;

(b) in the first proviso, for the words "any such mine as is referred to" in both the places where they occur, the words "any such mine or mines as are referred to" shall be substituted;

(c) in the second proviso—

(i) for the word and figures "section 10", the word and figures "section 12" shall be substituted;

(ii) for the words "for the part of British India", the words "for any area" shall be substituted;

(iii) for the words "in which the mine or part of the mine is situated", the words "in which the mine or mines are situated" shall be substituted.

(d) the following 'Explanation' shall be added at the end, namely:—

"*Explanation.*—For the purpose of this, regulation, the expression "average output" means the average per month of the total output of the mine or mines during the preceding three months."

[I.C.M.R./Am(I).]

[No. M41(20)54.]

P. D. COMMAR, Under Secy

## MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi-2, the 9th March 1956*

**S.R.O. 659.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Government Agents Vs. Phantom Legion" and its trailer produced by Messrs. Republic Pictures Corporation, U.K., shall be deemed to be uncertified films in the whole of India.

[No. 8/3/56-FC.]

## ORDERS

*New Delhi-2, the 9th March 1956*

**S.R.O. 660.**—The Central Government hereby:—

(a) directs, in pursuance of the provisions of the order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805, dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 257, dated the 31st January, 1956 that the Advisory Panel of the Central Board of Film Censors at Madras shall consist of 28 members with effect from the 17th March, 1956.

(b) appoints, after consultation with the said Board, Shrimati Humayun Kabir, as a member of the Advisory Panel at Madras with effect from the 17th March, 1956.

[No. 14/1/55-FC.]

*New Delhi-2, the 15th March 1956*

**S.R.O. 661.**—In pursuance of the clause 2 of the directions issued under the provisions of each of the enactments specified in the First schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 945, dated the 28th April, 1955 the Central Government with previous approval of the Film Advisory Board, Bombay hereby certifies the film specified in column 2 of the schedule hereto annexed, in all its language versions, to be of the description specified against it in the corresponding entry of column 5 of the said schedule.

## SCHEDULE

S. No.	Title of the film	Name of the Producer.	Source of Supply.	Whether a scientific film or film intended for educational purposes or a film dealing with news and current events or documentary film.
1	Indian News Review No. 387	Government of India, Films Division, Bombay.	Government of India, Films Division, Bombay.	Film dealing with news and current events.

[No. 14/2/56-FD. App. 76]

D. KRISHNA AYYAR, Under Secy.